FEDERAL REGISTER

VOLUME 14 NUMBER 129

Washington, Thursday, July 7, 1949

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10065

TERMINATION OF THE OFFICE OF DEFENSE TRANSPORTATION

By virtue of the authority vested in me by the Constitution and statutes, including the last paragraph of Title I of the First Supplemental Surplus Appropriation Rescission Act, 1946 (60 Stat. 13), and as President of the United States, it is hereby ordered as follows:

1. The Office of Defense Transportation, established by Executive Order No. 8989 (6 F. R. 6725) of December 18, 1941, together with the office of Director of the Office of Defense Transportation, is hereby terminated.

2. The Interstate Commerce Commission is hereby designated as the agency which shall complete the liquidation of the affairs of the Office of Defense Transportation. For the purpose of such liquidation there are hereby transferred to the Interstate Commerce Commission the remaining records, property, and personnel of the Office of Defense Transportation and so much of the funds thereof as the Bureau of the Budget shall determine, together with so much of the functions of said Office and of its Director as is necessary in order to accomplish such liquidation, including the remaining functions of such Office and Director under Executive Orders Nos. 9462 (9 F. R. 10071), 9554 (10 F. R. 5981), and 9693 (11 F. R. 1421).

3. To facilitate the performance of its functions hereunder, the Interstate Commerce Commission itself, or such division, commissioner, officer or employee of the Commission as it may designate, is authorized to act, under the authority of this order, under the title and designation of "Administrator of the Affairs of Federal Managers."

4. This order supersedes all prior Executive orders to the extent that they are in conflict with this order and shall be effective as of July 1, 1949.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 6, 1949.

[F. R. Doc. 49-5585; Filed, July 6, 1949; 10:52 a. m.]

EXECUTIVE ORDER 10066

INCLUDING CERTAIN LANDS IN THE CHEROKEE NATIONAL FOREST

WHEREAS on March 29, 1949, the Tennessee Valley Authority and the United States Department of Agriculture entered into an agreement providing for the transfer by the Authority to the Department of the right of possession and all other right, title, and interest which the said Authority may have in or to certain lands therein designated and described in Polk County, Tennessee, so that such lands might be included in and reserved as a part of the Cherokee National Forest, in accordance with the terms and conditions of the agreement and subject to the approval thereof by the President of the United States; and

WHEREAS I have this day approved the said agreement between the Tennessee Valley Authority and the United States Department of Agriculture; and

WHEREAS it appears that such lands are suitable for national-forest purposes and that their inclusion within the Cherokee National Forest would be in the public interest:

NOW, THEREFORE, by virtue of the authority vested in me by section 24 of the act of March 3, 1891, 26 Stat. 1103, and the act of June 4, 1897, 30 Stat. 34, 36 (16 U. S. C. 471, 473), and as President of the United States, and upon the recommendation of the Secretary of Agriculture, I hereby include in and reserve as part of the Cherokee National Forest the following-described lands, such inclusion and reservation to be in accordance with and subject to the terms and conditions of the said agreement of March 29, 1949, between the Tennessee Valley Authority and the United States Department of Agriculture:

A tract of land lying in the first Civil District of Polk County, State of Tennessee, immediately north of the Ocoee No. 1 Dam, together with a five-room stucco building located thereon and known as Parksville Village Building #26, being that portion of the land acquired by the Tennessee Valley Authority in the name of the United States of America from the Tennessee Electric Power Company lying north of and adjacent to the north right-of-way line of U. S. Highway 64 and west of and adjacent to the east line of sec. 23, T1S, R2E, of the Ocoee District, with the exception of a parcel of land being retained by the Tennessee Valley Authority and hereinafter referred to as

(Continued on p. 3721)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

PARCEL F, the tract of land to be transferred being designated as PARCEL G, and being more particularly described as follows:

Beginning at US-TVA Monument F-4 (Coordinates: N. 260,310; E. 2,403,860) in the boundary of the United States of America's (TVA's) land, said monument being at the northeast corner of the parcel of land (Parcel F) being retained by the Tennessee Valley Authority.

From the initial point with the United States of America's (TVA's) line, (S. 72 deg. E., 1045 feet) to a point; (N. 25 deg. E., 446 feet) to a rail; (S. 65 deg. E., 660 feet) to a rail in the east line of sec. 23;

Leaving the United States of America's (TVA's) line and with the said east line (S. 25 deg. W., approximately 175 feet) to a point in the north right-of-way line of U. S. Highway 64, said right-of-way line being 70 feet from and parallel to the center line of the highway;

With the said right-of-way line in a southwesterly direction approximately 40 feet to an offset in the said right-of-way;

With a line normal to the center line of the highway in a southeasterly direction 20 feet to a point;

With a line 50 feet from and parallel to the center line of the highway in a southwesterly direction approximately 410 feet to an offset in the right-of-way;

With a line normal to the center line in a northwesterly direction 20 feet to a point;

With a line 70 feet from and parallel to the center line of the highway first in a southwesterly direction and then in a northwesterly direction a total distance of approximately 1240 feet to an offset in the right-of-way;

With a line normal to the center line of the highway in a southwesterly direction 20 feet to a point;

With a line 50 feet from and parallel to the center line of the highway in a northwesterly direction approximately 1050 feet to US-TVA Monument F-6 at the most southerly corner of the hereinabove mentioned PARCEL F, which is being retained by the Tennessee Valley Authority;

Leaving the highway right-of-way and with the line of PARCEL F, N. 79 deg. 43' E., 242 feet to US-TVA Monument F-5;

N. 20 deg. 25' E., 255 feet to the point of beginning.

The parcel of land described above contains 32.2 acres, more or less.

NOTE: The position of US-TVA Monument F-4 and the bearings and distances of lines between Monuments F-6 and F-4 are referred to the Tennessee Coordinate System. Bearings and distances between Monument F-4 and the east line of section 23, T1S, R2E, are based on T. E. P. Co. drawing 22402; those along the section line and parallel with U. S. Highway 64 were scaled. The boundary markers designated "US-TVA Monument" are concrete monuments capped by bronze tablets imprinted with the given numbers and letters.

HARRY S. TRUMAN

THE WHITE HOUSE,
July 6, 1949.

[F. R. Doc. 49-5586; Filed, July 6, 1949; 10:52 a. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 2—APPOINTMENT THROUGH THE COMPETITIVE SYSTEM

APPORTIONMENT

Effective June 30, 1949, subdivision (vii) of § 2.110 (a) (2) is revoked; subdivision (viii) is renumbered as subdivision (vii) and amended to read as set out below, so that § 2.110 as so amended reads as follows:

§ 2.110 *Apportionment.* (a) Certifications for appointment in agencies' headquarters offices which are located within the metropolitan area of Washington, D. C., shall be made so as to maintain, as nearly as the conditions of good administration warrant, the apportionment of appointments among the several States, Territories, and the District of Columbia upon the basis of population. However, certification in the following cases shall be made without regard to the apportionment, and appointments in such cases shall be excluded from the apportionment figures:

(1) Certification of veterans.

(2) Certification for appointment to the following positions in all agencies:

(i) Positions in headquarters offices which are located outside the metropolitan area of Washington, D. C.

(ii) Positions in the professional and scientific service for which the entrance salary is over $3,000 per annum.

(iii) Positions in the clerical, administrative and fiscal service classified at Grade 14 and above.

(iv) Apprentice positions in the recognized trades and skilled occupations.

(v) Artisan and helper positions in all trades and skilled occupations, and all phases of the graphic and map reproduction arts that require trade knowledge and manual skill and effort in their performance. However, positions that require only clerical, technical, or professional knowledge in their performance are not excluded from the apportionment.

(vi) Positions of operating engineman, fireman, oiler, general helper, laborer, foreman of laborers, gardener, grounds keeper, animal keeper, chauffeur, truck driver, motor vehicle dispatcher, elevator operator, and telephone operator.

(vii) For a period not to exceed December 31, 1949, positions of typist and positions of stenographer in Grades one, two and three of the clerical, administrative and fiscal service.

(3) Certification for appointment to all positions in the following agencies:

(i) The Government Printing Office.

(ii) National Capital Housing Authority.

(iii) Agency field offices in the metropolitan area of Washington, D. C.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633 E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 49-5479; Filed, July 6, 1949; 8:52 a. m.]

PART 25—FEDERAL EMPLOYEES PAY REGULATIONS

SUBPART B—PERIODIC WITHIN-GRADE SALARY ADVANCEMENT REGULATIONS

1. Section 25.223 (b) (1) is amended to read as set out below. This amendment

is effective as of July 3, 1948. A new subparagraph (5) is added to § 25.223 (b) as set out below. This amendment is effective as of the close of business on January 1, 1949, or at the beginning of the pay period which includes January 1, 1949, or on any intermediate date between these two, as elected by each department or agency. Section 25.223 as so amended reads as follows:

§ 25.223 *Equivalent increase in compensation.* (a) "Equivalent increase in compensation" means any increase or increases in basic compensation which in total, at the time such increase or increases are made, are equal to or greater than the smallest compensation increment in the lowest grade in which the employee has served during the time period of twelve or eighteen months, as the case may be.

(b) The following, among others, are not "equivalent increases in compensation":

(1) Increases in basic rates of compensation provided by section 405 of the Federal Employees Pay Act of 1945, or section 2 of the Federal Employees Pay Act of 1946, or Title III of the Postal Rate Revision and Federal Employees Salary Act of 1948;

(2) Rewards for superior accomplishment as provided in sections 403 and 404 of the Federal Employees Pay Act of 1945;

(3) Increases as the result of the establishment of a new minimum rate for any class of positions in accordance with section 401 of the Federal Employees Pay Act of 1945;

(4) An increase made for the specific purpose of correcting an error in a previous demotion or reduction in pay, as the result of administrative review, the decision of a statutory efficiency rating board of review, a reduction-in-force appeal, reallocation of the position to former or intermediate grade upon appeal, or an appeal under section 14 of the Veterans' Preference Act of 1944; or

(5) Payment of a territorial post differential or territorial cost-of-living allowance.

2. In § 25.231, paragraph (f) is redesignated as paragraph (c); paragraph (g) is redesignated as paragraph (e); paragraph (h) is redesignated as paragraph (f); new paragraphs (a) and (b) are added, effective 30 days after publication in the FEDERAL REGISTER; and a new paragraph (d) is added, effective as of June 24, 1948. As amended, § 25.231 will read as follows:

§ 25.231 *Service to be credited.* In computing the periods of service required for within-grade salary advancements there shall be credited to such service:

(a) Continuous paid civilian employment in any branch (legislative, executive, or judicial) of the Federal Government, or in the municipal government of the District of Columbia.

(b) Service prior to a period of absence not in excess of 52 calendar weeks due to leave without pay, furlough, or separation, except where such absence was due to disqualification, disability, abandonment of position, suspension, legal incompetence, inefficiency, or separation for cause on charges of misconduct, delinquency or for other reasons. No period in a non-pay status or of separation from the rolls is creditable.

(c) Service in the armed forces, in the merchant marine, or on war transfer subject to the following conditions: The employee must have (1) left his position to enter the armed forces or the merchant marine, or to comply with a war transfer, (2) been separated under honorable conditions from active duty in the armed forces, or have received a certificate of satisfactory service in the merchant marine, or have a satisfactory record on war transfer, and (3) been restored, reemployed, or reinstated in any permanent position within the scope of the compensation schedules fixed by the Classification Act of 1923, as amended, under regulations of the Commission which provide for mandatory restoration or reemployment, or the provisions of any law providing for mandatory restoration or reemployment, or any other administrative procedure having a similar purpose with respect to employees not subject to civil service rules and regulations. Any person entitled to be credited with service under this paragraph shall also be entitled to credit not more than twelve, eighteen, or thirty months, as the case may be, for civilian employment prior to leaving his position to enter the armed forces or the merchant marine, or to comply with a war transfer.

(d) Any person who has mandatory restoration rights under section 9 of the Selective Service Act of 1948, shall be restored in such manner as to give him credit for any within-grade salary advancements to which he would have been entitled if he had continued in civilian employment continuously from the time of his entering the armed forces until the time of his restoration to such employment.

(e) In the case of an employee whose name appeared on a list of eligibles between May 1, 1940 and March 16, 1942, and who, after meeting necessary conditions, received probational appointment under the provisions of any Executive order or regulations of the Commission covering situations in which an eligible lost his opportunity for probational appointment because of military service in World War II, time elapsing since the earliest date on which an eligible standing lower on the same list of eligibles received a probational appointment therefrom.

(f) In the case of an employee who applied for restoration, reappointment or reemployment within the period, provided by statute or regulation, of 90 calendar days after honorable discharge from the military service or from hospitalization continuing for a period of not more than one year after such discharge, and who has been restored, reappointed or reemployed as a result of such application, the total period of time elapsing between the termination of military service or release from hospitalization continuing thereafter, and entrance on duty in his civilian position if such period does not exceed 120 calendar days. However, if entrance on civilian duty has been delayed so that such period is in excess of 120 calendar days, only the first 120 calendar days of such period may be credited. This paragraph shall be effective December 5, 1946, and shall apply to all computations of within-grade salary increases made after that date.

In the case of an employee exercising reemployment rights under the terms of Executive Order No. 9711, April 11, 1946 (3 CFR 1946 Supp.), not to exceed a total period of 120 calendar days of time elapsing between release from military service and acceptance of civilian employment in occupied territories under the Miltary Government authorities of the United States, and time elapsing between termination of such employment and the exercise of his reemployment rights in accordance with Executive Order No. 9711. (Sec. 8, 54 Stat. 890; sec. 1, 60 Stat. 749; sec. 9, 62 Stat. 614; 5 U. S. C. 645a, 50 U. S. C. App. 308, 459)

3. Effective 30 days after publication in the FEDERAL REGISTER the last unnumbered paragraph in § 25.241 is amended so that § 25.241 reads as follows:

§ 25.241 *Eligibility requirements and effective date.* Officers and employees to whom this subpart applies shall be advanced in compensation successively to the next higher rate within the grade at the beginning of the next pay period (including July 1, 1945) following the completion of (1) each twelve months of service if such officers or employees are in grades in which the compensation increments are less than $200 per annum or (2) each eighteen months of service if such officers or employees are in grades in which the compensation increments are $200 or more, subject to the following conditions:

(a) That no equivalent increase in compensation from any cause was received during such period;

(b) That an officer or employee shall not be advanced unless his current efficiency rating is "Good" or better than "Good";

(c) That the service and conduct of such officer or employee are certified by the head of the department or independent establishment or agency, or Government-owned or controlled corporation, or such official as he may designate, as being otherwise satisfactory.

This certificate of otherwise satisfactory service and conduct shall constitute an affirmative statement that responsible officials have reviewed the service and conduct of the employee and find that he definitely merits the advancement.

Where a within-grade advancement became due on or after July 1, 1945, and was delayed beyond its effective date, solely through administrative error or oversight of the agency in approving and recording the required efficiency rating or executing the certificate of satisfactory service and conduct, or both, the agency shall approve and record the rating or execute the certificate, or both, as of the date or dates such administrative actions should have been completed, and the advancement shall be made effective as of the date it would have been due if there had been no administrative error or oversight.

If an employee is entitled to credit prior service in accordance with § 25.231 (b) and has had any "non-service" during his time period of twelve or eighteen months, he must serve in a pay status an additional period of time equivalent to the total period or periods of non-service to complete the service required for advancement.

(Sec. 605, 59 Stat. 304; 5 U. S. C. 945)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.

[F. R. Doc. 49-5445; Filed, July 6, 1949; 8:47 a. m.]

Chapter III—Foreign and Territorial Compensation

Subchapter B—The Secretary of State

[Foreign Service Regulation S-57]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11, *Designation of differential posts,* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following June 25, 1949, paragraph (b) is amended by the addition of the following posts:

China—All posts not otherwise specified.
Dacca, Pakistan.
Freetown, Sierra Leone.
Kuching, Sarawak.
Sandakan, North Borneo.
Zagreb, Yugoslavia.

2. Effective as of the beginning of the first pay period following June 25, 1949, paragraph (c) is amended by the addition of the following posts:

Bratislava, Czechoslovakia.
Entebbe, Uganda.
Lusaka, Northern Rhodesia.
Zomba, Nyasaland.

3. Effective as of the beginning of the first pay period following June 25, 1949, paragraph (d) is amended by the addition of the following posts:

Port Said, Egypt.
Sucre, Bolivia.
Tripoli, Libya.
Medan, Sumatra.

4. Effective as of the beginning of the first pay period following June 25, 1949, paragraph (d) is amended by the deletion of the following posts:

Bratislava, Czechoslovakia.
Zagreb, Yugoslavia.

(Sec. 102, Part I, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

[SEAL] JOHN E. PEURIFOY,
Deputy Under Secretary.

JUNE 29, 1949.

[F. R. Doc. 49-5456; Filed, July 6, 1949; 9:04 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

COLORADO

County:	*Average value*	*Investment limit*
Boulder	$16,000	$12,000
Delta	18,000	12,000
Weld	18,000	12,000
Yuma	17,500	12,000

(Sec. 41 (i), 60 Stat. 1066; 7 U. S. C. 1015 (i). Applies secs. 3 (a), 44 (b), 60 Stat. 1074, 1069; 7 U. S. C. 1003 (a), 1018 (b))

Issued this 30th day of June 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-5443; Filed, July 6, 1949; 8:47 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases and Other Operations

[1949 CCC Cotton Bulletin 1]

PART 607—COTTON

SUBPART—1949 COTTON LOAN PROGRAM

1949 COTTON LOAN BULLETIN

This bulletin contains the instructions and requirements with respect to the 1949 Cotton Loan Program of Commodity Credit Corporation (hereinafter referred to as CCC) formulated by CCC and the Production and Marketing Administration (hereinafter referred to as PMA). Loans will be made available on upland cotton produced in 1949, in accordance with this bulletin.

Sec.

AUTHORITY: §§ 607.1 to 607.26 issued under sec. 302, 52 Stat. 43, as amended, sec. 1, 62 Stat. 1247, 62 Stat. 1070; 7 U. S. C. 1302, 7 U. S. C., Supp., 1282, 15 U. S. C. 714.

§ 607.1 *Administration.* Under the general direction and supervision of the Manager, CCC, the Cotton Branch and other appropriate branches of PMA, will carry out the provisions of this program. In the field, the program will be administered through the New Orleans PMA Commodity Office, Masonic Temple Building, New Orleans, 12, Louisiana (hereinafter referred to as the "New Orleans Office"), State PMA committees and the county agricultural conservation committees (hereinafter referred to as county committees). Forms will be distributed by the New Orleans Office and will be available at the offices of county committees, approved lending agencies and approved warehouses and others designated to assist in administering the loan program.

§ 607.2 *Availability of loans.* Loans will be available to eligible producers on eligible cotton.

(a) *Area.* (1) Loans on eligible cotton stored in approved warehouses will be available in all areas.

(2) Loans on eligible cotton stored in approved structures, on or off the farm (hereinafter referred to as "farm storage"), will be available in the States and counties for which loan rates will be established.

(3) Loans on eligible cotton covered by bills of lading will be available in areas specified by the New Orleans Office.

(b) *Time.* Loans will be available from the date the loan rates are announced through April 30, 1950.

(c) *Source.* Loans may be obtained by producers from approved lending agencies or from the New Orleans Office.

§ 607.3 *Eligible producer.* An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof, or an agency of such State or political subdivision, producing cotton in 1949 in the capacity of landowner, landlord, tenant, or sharecropper. Except as provided below, two or more producers may not obtain a joint loan. If the eligible cotton produced on a farm has been divided among the producers entitled to share in such cotton, each landlord, tenant, and sharecropper may obtain a loan on his separate share. If the cotton has

not been divided, the landlord and one or more of the share tenants or sharecroppers may obtain a joint loan on their shares of such cotton. In no case shall a share tenant or sharecropper obtain a loan individually on cotton in which a landlord has an interest. In any case where a landlord obtains a loan on cotton in which a share tenant or a sharecropper has an interest, he must have the legal right to do so, and the share tenant or sharecropper must be paid his pro rata share of the loan proceeds and his pro rata share of any additional proceeds received from the cotton.

§ 607.4 *Eligible cotton.* Eligible cotton shall be cotton produced in the United States in 1949 which meets the following requirements:

(a) Such cotton must be of a grade and staple length specified in § 607.26.

(b) Such cotton must be represented by warehouse receipts complying with the provisions of § 607.17 or bills of lading complying with the provisions of § 607.22 or must be covered by a Cotton Chattel Mortgage (CCC Cotton Form F, hereinafter referred to as "Form F") and a 1949 Cotton Mortgage Supplement (1949 CCC Cotton Form FF, hereinafter referred to as "Form FF") which will give the payee of the Cotton Producer's Note (CCC Cotton Form E, hereinafter referred to as "Form E") secured by such mortgage a first lien on such cotton.

(c) Such cotton must not be false-packed, water-packed, reginned or repacked, and must not have been classed as gin cut, oily, sandy, dusty, or seedy, or reduced in grade because of extraneous matter (such as needle grass).

(d) Such cotton must not be compressed to high density.

(e) Such cotton must be free and clear of all liens and encumbrances, except warehouseman's liens in the case of warehouse-stored cotton.

(f) Such cotton must have been produced by the person tendering it for a loan, and such person must have the legal right to pledge or mortgage it as security for a loan.

(g) If the person tendering such cotton for a loan is a landlord or landowner, the cotton must not have been acquired by him directly or indirectly from a share tenant or sharecropper and must not have been received in payment of fixed or standing rent; and if it was produced by him in the capacity of landlord, share tenant, or sharecropper, it must be his separate share of the crop, unless he is a landlord and is tendering cotton in which both he and a share tenant or sharecropper have an interest.

(h) The person tendering such cotton for a loan must not have previously executed and delivered, with respect to such cotton a 1949 Cotton Producer's Note and Loan Agreement (1949 CCC Cotton Form A, hereinafter referred to as "Form A"), a Form E, or a 1949 CCC Cotton Form G–2 and must not have previously sold and repurchased such cotton.

(i) Each bale of such cotton must weigh at least 300 pounds.

§ 607.5 *Approved lending agency.* An approved lending agency shall be any bank, corporation, partnership, association, individual, or other legal entity which has entered into a Lending Agency Agreement (CCC Cotton Form D) with CCC covering loans on 1949-crop cotton. Organizations desiring to enter into such agreements should communicate with the New Orleans Office.

§ 607.6 *Eligible storage*—(a) *Warehouses.* Cotton in warehouses will be accepted as security for loans hereunder only if stored in warehouses approved by CCC. Warehousemen desiring approval of their facilities should communicate with the New Orleans Office. When warehouses are approved, notification will be given either by letter or by published lists.

(b) *Farm storage.* Cotton in farm storage will be accepted as security for loans hereunder only if stored in a structure approved by the county committee for the county in which the cotton is stored. Such structures may be on or off the farm and must afford safe storage and protection against weather damage, poultry and livestock, and reasonable protection against fire and theft. If the producer does not own the premises where the cotton is stored and his lease on such premises expires prior to September 30, 1950, the owner must execute the Consent for Storage on the Cotton Mortgage Supplement. Any other tenant who has a right or interest in the premises must also execute the Consent for Storage.

§ 607.7 *Forms.* The following documents must be delivered by producers in connection with every loan except loans made pursuant to § 607.25.

(a) *Warehouse storage loans.* (1) Cotton Producer's Note and Loan Agreement (CCC Cotton Form A) duly executed within the period prescribed in § 607.2. State documentary revenue stamps shall be affixed thereto where required by law. A Form A executed by an Administrator, executor or trustee will be acceptable only where valid in law and must be accompanied by documentary evidence of the authority of the person executing the form or by a repurchase agreement of the lending agency. Copies of this agreement may be obtained from the New Orleans Office.

(2) Warehouse receipts complying with the provisions of § 607.17.

(3) Producer's Letter of Transmittal (CCC Cotton Form B, hereinafter referred to as "Form B") if the loan is obtained direct from the New Orleans Office.

(b) *Farm storage loans.* (1) Cotton Producer's Note (CCC Cotton Form E) duly executed within the period prescribed in § 607.2.

(2) Cotton Chattel Mortgage (CCC Cotton Form F) and 1949 Cotton Mortgage Supplement (CCC Cotton Form FF) covering the cotton tendered as security for loan.

(3) Form B if the loan is obtained direct from the New Orleans Office.

(c) *Cotton represented by order bills of lading.* (1) Form A duly executed within the area and during the period such loans are available.

(2) Order bill of lading in a form acceptable to CCC and representing the cotton tendered as security for the loan.

(3) Weight and Condition Certificates complying with the provisions of § 607.22, if the Receiving Agency is not a warehouseman.

§ 607.8 *Amount.* Loans will be made on the gross weight of the cotton. Notes covering cotton pledged on reweights will not be accepted if it is evident that such reweights reflect an increase in weight due to the absorption of additional moisture. An allowance of 7 pounds per bale will be made for bales covered with cotton bagging.

The base loan rate applicable at each approved warehouse will be shown in the "Schedule of Base Loan Rates for Warehouse-Stored Cotton" and the base loan rate under the farm-storage program for each county will be shown in the "Schedule of Base Loan Rates by Counties for Farm-Stored Cotton." These schedules will be issued by CCC and will be available at county committee offices. The premium or discount applicable to each eligible grade and staple length is shown in § 607.26.

§ 607.9 *Interest rate.* Loans will bear interest at the rate of 3 percent per annum from the date of disbursement.

§ 607.10 *Maturity.* Loans mature July 31, 1950, or upon such earlier date as CCC may make demand for payment. If a producer does not repay his loan by maturity, CCC has the right to sell, purchase or pool the cotton securing the loan in accordance with the provisions of the loan agreements. If the cotton is pooled, the producer will no longer have a right to redeem the cotton, but will share rateably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat any pooled cotton as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of cotton, even though part or all of such pooled cotton is disposed of under such policies for prices less than the current domestic price for such cotton.

Any sum due the producer as a result of the sale of the cotton or collections of insurance proceeds therefrom, or any payments from a pool, shall be payable only to the producer or his personal representative without right of assignment to or substitution of any other person.

(a) *Farm storage.* If the producer does not repay his loan on or before maturity, he is required to deliver the cotton in accordance with the provisions of Form FF, and if the cotton is not delivered by the producer, the holder of the note may enter on the premises where the cotton is stored and remove the cotton. Upon such delivery or removal, the holder may dispose of the cotton in accordance with the provisions of this section. CCC will not require the producer to insure cotton under farm-storage loan; however, if the producer does insure the cotton, such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the cotton involved in the loss.

In the event CCC is the holder of the note on maturity, it will, upon delivery of the cotton in accordance with Form FF, make a storage payment to the producer at the rate of 10 cents a bale for each month or fraction thereof between the date of disbursement of the proceeds of the note and the maturity of the note, provided the producer has not made a fraudulent representation or converted any bale of the cotton.

§ 607.11 *Preparation of documents.* All blanks on the loan forms must be filled in with ink, indelible pencil, or typewriter in the manner indicated therein, and no documents containing additions, alterations, or erasures will be accepted by CCC. The spaces provided in the notes on Forms A and E for the producer to request and direct payment of the proceeds of the note must be completed in every instance. All disbursements made from the proceeds of the note by the lending agency, including clerks' fees when deducted, must be shown. If the proceeds are to be paid only to the producer, his name should be shown. The total must agree with the amount of the note.

(a) *Warehouse-storage cotton.* A producer desiring to obtain a loan on warehouse-stored cotton may obtain the necessary forms from county committees, approved landing agencies, approved warehouses, and approved clerks (persons approved by the county committees to assist producers in preparing and executing the loan forms). The Clerk's Certificate in each Form A tendered for a loan must be executed by an approved clerk, who will assist the producer in the preparation and execution of the Form A. The original of Form A must be signed by the producer, and the copy marked "duplicate" is to be retained by the producer. All of the cotton pledged as security for any one loan must be of only one grade and staple and must be stored in the same warehouse.

(b) *Farm-storage cotton.* A producer desiring to obtain a loan on farm-storage cotton should communicate with the county committee in the county in which the cotton is to be stored. The county committee will inspect the storage structure and approve it if it determines that it is of such construction as to afford adequate storage for the cotton. A service fee of $1 per bale with a minimum of $3.00 per loan will be collected by the county committee from the producer to cover services rendered under this program. No service fees will be refunded. The producer may also obtain the necessary loan forms from, and will be assisted in their preparation by, the county committee. A deposit of $1.00 per bale will also be collected from the producer to guarantee delivery of the cotton if the loan is not repaid by the producer. Such deposit will be returned if the loan is repaid or the cotton is delivered in accordance with the provisions of the Form FF. If the producer does not deliver the cotton upon demand by CCC, the county committee will arrange delivery and retain the deposit, and no storage payment will be made. Each Form E must be approved by the county committee, and the member signing such form in the space provided certifies on behalf of the county committee that the producer is, to the best of the committee's knowledge and belief, eligible for a loan on the cotton. The original of the Form FF will be retained by the county committee. If the producer desires to obtain a loan directly from CCC, the county committee will forward the loan documents for the producer.

(c) *Fees.* The clerk or county committee assisting the producer in the preparation of the loan documents may collect a fee from the producer not to exceed the fees shown in the following schedule:

Number of bales on the note:	*Maximum fee allowed*
1	25 cents.
2–6	25 cents plus 15 cents for each bale over 1.
7–18	$1.00 plus 10 cents for each bale over 6.
19 and over	$2.20 plus 5 cents for each bale over 18.

§ 607.12 *Safeguarding farm-storage cotton.* The producer obtaining a farm-storage loan is obligated to maintain the farm-storage structure in good repair and will be responsible for any loss or damage occurring as a result of his fault or negligence or as a result of any cause other than fire, flood, lightning, explosion, windstorm, cyclone, or tornado except that he will not be responsible for loss in weight of not to exceed 10 pounds per bale which is due to natural shrinkage. The maximum amount of cotton stored in any structure shall be limited to 200 bales if only one producer has cotton stored in such structure and to 100 bales if more than one producer has cotton stored in such structure. The conversion or unlawful disposition of any bale of the cotton will render the producer personally liable for the payment of the mortgage indebtedness.

§ 607.13 *Liens.* Eligible cotton must be free and clear of all liens (except warehouseman's liens in the case of warehouse-storage cotton). The signatures of the holders of all existing liens on cotton tendered as security for a loan, such as landlords, laborers, or mortgages (but not the warehouseman, if the cotton is stored in a warehouse), must be obtained in the Lienholders' Waiver on each Form A and Form FF. If the producer tendering the cotton for the loan is not the owner of the land on which the cotton was produced, all landowners and landlords must sign the Lienholders' Waiver on the Form A or Form FF whether or not they claim liens, unless they sign the note jointly with the borrower. A fraudulent representation, as to prior liens or otherwise, will render the producer personally liable under the terms of the Loan Agreement and subject him to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act. The Lienholders' Waiver must be signed personally by all lienholders, by their agents (in which case duly executed powers of attorney must be attached), or, if a corporation, by the designated officer thereof customarily authorized to execute such instruments (in which case no authority need be attached).

§ 607.14 *Set-offs.* If the producer is indebted to CCC, whether or not such indebtedness is listed on the county debt register, he must designate CCC as the payee of the proceeds of the loan to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of loan service fees and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he shall be required to designate such agency as payee of the proceeds as provided above. Indebtedness owing to CCC shall be given first consideration after claims of prior lienholders.

County committees will furnish each approved clerk a list of the names and addresses of all persons shown on the county debt register. Lists will also be furnished to clerks in adjacent counties as is determined necessary by the county committee. These lists shall be kept up to date and revised and supplemented as determined necessary by the county committee.

Before the clerk prepares loan documents, he shall determine that the producer's name is not shown on the list furnished by the county committee. If the person is shown on such list, he shall be informed that unless he can produce satisfactory evidence that the indebtedness has been satisfied, he must go to the office of the county committee in the county issuing the list containing his name and have his loan documents completed by a clerk in the county office. A clerk in the office of the county committee will assist the producer in the preparation of such loan documents and will show in the space provided in the notes the agency to which the check should be issued and the amount to be collected from the note.

§ 607.15 *Lending agency.* The lending agency shall execute the Payee's Endorsement on Forms A and E. In the case of warehouse-storage cotton, care should be exercised by the lending agency to determine that the warehouse receipts are genuine. No deduction may be made from the loan proceeds by the lending agency as a charge for handling the loan documents, except the authorized clerk's fee in case an employee of the lending agency has executed the Clerk's Certificate on Form A. Lending agencies may carry their investment in the loans and receive interest at the rate of 1½ percent per annum. Lending agencies which are also eligible producers must obtain direct loans from the New Orleans Office in accordance with § 607.19 on cotton produced by them.

§ 607.16 *Classification of cotton.* All cotton must be classed by a Board of Cotton Examiners of the United States Department of Agriculture (hereinafter referred to as the "Board"). Warehousemen (for warehouse-storage cotton), receiving agencies (for cotton covered by bills of lading) and county committees (for farm-storage cotton) should forward samples to the Board serving the district in which the cotton is located.

A Cotton Classification Memorandum Form A3 must be inserted in each sample. A tag list on a form furnished by CCC must be prepared by the warehouseman, receiving agency or county committee listing each sample included in a shipment to the Board. A copy of such tag list shall be included with the samples and two copies must be mailed separately to the Board. The Board will enter the classification of each bale on the tag list and return a copy of such list to the warehouse, receiving agency or county committee. The Cotton Classification Memorandum Form A3 will be returned to the producer by the Board. A Cotton Classification Memorandum Form 1 of the United States Department of Agriculture will also be accepted, provided the sample is a representative cut sample drawn in accordance with instructions to organized cotton improvement groups for sampling cotton under the 1949 Smith-Doxey Program. If a sample has been drawn and submitted for a Form 1 classification, another sample may not be drawn and forwarded to a Board except for review.

A charge of 25 cents per bale shall be collected from the producer for all cotton from which samples are submitted to a Board for classification, except that no charge shall be collected for samples submitted for Form 1 classification. Each Board will make collections for classing charges from the warehousemen, receiving agencies, and county committees at the end of each month. A certified check, cashier's check, or postal money order payable to Treasurer of United States in care of CCC must be sent to the Board by each warehouseman, receiving agency, and county committee in payment of these charges.

§ 607.17 *Warehouse receipts and insurance.* Only negotiable warehouse receipts issued by an approved warehouse in the name of the individual, individuals, or concern who appear as producer on the Cotton Producer's Note to which the receipt is pledged, will be acceptable, except that receipts representing cotton pledged in the name of a landowner, landlord, tenant or sharecropper or pledged jointly in the name of two or more parties to a tenancy will be acceptable when issued in the name of either individual who is a party to the tenancy or a signatory to the note. The warehouse receipts must show that the cotton is covered by fire insurance, must be dated on or prior to the date of the producer's notes, and, if not bearer form receipts, must be properly assigned by an endorsement in blank so as to vest title in the holder. They must set out in their written or printed terms a description by tag number and weight of the bale represented thereby and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act. Warehouse receipts issued prior to August 1, 1949, which by their terms will expire prior to August 1, 1950, must bear an endorsement of the warehouseman extending the terms of the warehouse receipts for a period of one year from August 1, 1949. Block warehouse receipts will not be accepted.

In addition to the insurance carried by the warehouseman, CCC will carry insurance on the loan cotton covering losses due to flood and errors and omissions in the warehouseman's insurance. The cost of such insurance will be a charge against the cotton.

§ 607.18 *Warehouse charges.* The warehouseman's charges are limited and his obligations defined by the Warehouseman's Certificate and Storage Agreement contained in Form A. The Agreement of Warehouseman on Form A must be executed by the warehouseman not more than 10 days preceding the date of the note.

§ 607.19 *Method of obtaining loans.* Producers may obtain loans from a local lending agency which, in turn, will tender the notes evidencing such loans to CCC or direct from the New Orleans Office. A producer, if he so desires, may designate persons other than himself to receive all or part of the proceeds of the loan by designating them in the spaces provided in the note. In each case where the loan is obtained from the New Orleans Office, the note must be made payable to CCC and must be tendered to the New Orleans Office with a Form B, in duplicate, postmarked not later than April 30, 1950, if tendered by mail. Upon receipt of all necessary documents, properly executed, and upon approval, payment will be made in accordance with the directions of the producer contained in the note.

§ 607.20 *Tender of notes by lending agencies.* Notes (Forms A and Forms E) evidencing loans made by a lending agency which has entered into a Lending Agency Agreement (CCC Cotton Form D) prior to the making of the loans will be eligible for purchase or pooling by CCC. Under this agreement, lending agencies which are parties thereto are required to tender to CCC, on Form C, executed in quadruplicate, all notes on Form A and Form E, with warehouse receipts, bills of lading (and weight and condition certificates, if required), or cotton chattel mortgages attached, representing loans made by the lending agency within 15 days after the dates of the notes. Forty notes shall be submitted on each Form C except when fewer notes are listed thereon in order that the loans may be tendered within 15 days after the dates of the notes. Only notes covering cotton stored in warehouses in the same custodial district may be transmitted on a Form C. Notes secured by warehouse receipts, by bills of lading and by chattel mortgages must be transmitted on separate Forms C. Notes accompanied by Producer's Powers of Attorney must also be transmitted on separate Forms C. Each Form C shall state whether the lending agency desires CCC to purchase the notes or to place them in a pool. Upon receipt of the loan papers by the New Orleans Office, they will be examined and, if found correct, will be approved and will be transmitted to the Custodial Office serving the district in which the cotton is stored, and purchased or placed in a pool, as directed by the lending agency. Lending agencies which have previously been appproved by CCC as eligible to draw drafts on CCC may, subject to such instructions and requirements as CCC may hereafter from time to time prescribe, obtain immediate payment for notes it desires to sell to CCC, by tendering such notes and letters of transmittal with sight drafts drawn on CCC through a Federal Reserve Bank or Branch Bank approved by CCC. In the event that the notes are pooled, a Certificate of Interest representing the interest in the pool acquired as the result of the deposit therein of the notes shown on the Form C will be issued to any approved lending agency designated on the Form C.

§ 607.21 *Custodial offices.* The custodial offices referred to herein and the district served by each are shown below:

(a) *Warehouse-storage cotton.*

Location and District Served

Federal Reserve Bank, Atlanta, Ga.: Georgia, Alabama, Florida, Virginia, North Carolino, South Carolina.

Federal Reserve Bank, Dallas, Tex.: New Mexico, Texas.

Federal Reserve Bank, Los Angeles, Calif.: California, Arizona.

Federal Reserve Bank, Memphis, Tenn.: Illinois, Kentucky, Arkansas, Missouri, Tennessee, and the following counties in Mississippi: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, DeSoto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, Yalobusha.

New Orleans office: Louisiana and counties in Mississippi not assigned to Memphis.

Federal Reserve Bank, Oklahoma City, Okla.: Oklahoma.

(b) *Farm-storage cotton.*

New Orleans office: All States.

§ 607.22 *Loans on order bills of lading.* Loans on cotton represented by order bills of lading will be available only in areas specified by the New Orleans Office where there is a shortage of storage space and where the necessary arrangements for handling the cotton may be made.

Cotton represented by order bills of lading will be eligible for a loan only when it is shipped by an approved receiving agency as agent for the producer.

Warehousemen, ginners, and other responsible parties in areas where such loans are available may be approved to act as receiving agencies by the New Orleans Office. Receiving agencies will enter into Receiving Agency Agreements with CCC. When receiving agencies are approved, notification will be given by letter or published lists.

A producer who is unable to find storage space in his local area and who wishes to obtain such a loan should deliver his cotton to a receiving agency with the request that it ship the cotton as agent for the producer to a warehouse where storage space is available. The receiving agency will complete the Schedule of Pledge Cotton on a Form A and, if it is a warehouseman, will execute the Warehouseman's Certificate and Storage Agreement thereon. If the receiving agency is not a warehouseman, it will have the cotton weighed by a public or licensed weigher and will secure a Weight and Condition Certificate in the form prescribed by CCC. The receiving agency will ship the cotton, secure order bills of lading in a form acceptable to CCC, and deliver the bills of lading, Forms A, and Weight and Condition Certificates (if any) to the producer. If the receiving agency is a warehouseman, it will be permitted to collect fees in accordance with the Warehouseman's Certificate and Storage Agreement and a fee of not to exceed 10 cents a bale to cover the cost of preparation of shipping documents. If the receiving agency is not a warehouseman, it will be permitted to collect from producers a fee not to exceed the fee set forth in the Receiving Agency Agreement executed by the receiving agency and shall post, in a conspicuous place, a notice showing the fee to be charged producers. Loans will be made at the full loan rate at the point where the receiving agency receives the cotton. CCC will pay warehouse storage charges on cotton tendered by the producer for a loan under this section, if the receiving agency is a warehouseman.

§ 607.23 *Advance loans.* If a producer desires to obtain a loan hereunder on cotton stored or to be stored in a warehouse, prior to the announcement of the loan rates on such cotton, prior to the receipt of the classification of such cotton by a Board of Cotton Examiners, or prior to the issuance of a warehouse receipt representing the cotton, and if the producer desires to obtain interim financing from a lending agency until such time as a CCC loan may be obtained, the lending agency may make the producer a private loan (hereinafter called "the advance loan") on such cotton on forms and in amounts agreed upon between the lending agency and the producer and may obtain from the producer a duly executed Producer's Power of Attorney (CCC Cotton Form J, hereinafter referred to as "Form J") in triplicate authorizing and directing the lending agency to prepare or cause to be prepared and execute on behalf of and in the name of the producer Forms A covering all such cotton which is eligible for a loan hereunder. The duplicate copy shall be delivered to the producer. On or before the date the advance loan is made, samples must have been drawn from the cotton and submitted to a Board of Cotton Examiners for Classification or, if the cotton has not arrived at the warehouse, the warehouseman must have been instructed to sample the cotton and forward the samples for classification upon receipt of the cotton at the warehouse. On or before September 1, 1949, or within 15 days after the dates of the classification certificates, or within 15 days after the dates of the warehouse receipts, whichever is later, the lending agency shall (as provided in the Producer's Power of Attorney), unless the cotton is redeemed by the producer prepare or cause to be prepared and execute on behalf of the producer Forms A covering all of such cotton which is eligible for a loan and make a CCC loan or loans to the producer hereunder. The lending agency shall promptly remit to the producer any difference between the amount due on the advance loan and the proceeds of the CCC loan, less any applicable charges hereunder paid by the lending agency on behalf of the producer. The duplicate copies of Forms A and the canceled note evidencing the advance loan shall be forwarded to the producer. The original of the Producer's Power of Attorney shall be transmitted with the notes when they are tendered to CCC.

It shall be the joint responsibility of the lending agency named in the Form J to obtain the official classification from the producer or the warehouseman and of the producer to deliver the official classification to such lending agency within 15 days from the date of the classification certificate so that the Form A loans can be made within the specified time.

It shall be the responsibility of the lending agency named in the Form J to obtain the execution of the Warehouseman's Certificate and Storage Agreement and the Clerk's Certificate on the Forms A. Only bona fide employees of lending agencies making the advance loans who are approved as clerks by the county committee or approved clerks in the office of the county committee will be permitted to execute the Clerk's Certificate on Forms A covering cotton on which advance loans have been made.

§ 607.24 *Repayments*—(a) *Warehouse-stored cotton.* No partial release of the cotton represented by warehouse receipts and securing a note will be permitted. If a producer desires to obtain the return of his note and the release of the cotton securing the note, he must execute the Producer's Redemption Request on the Producer's Loan Statement, which will be furnished to the producer by the New Orleans Office at the time the notes are processed by that office, and send or deliver it to CCC, in care of the custodial office serving the district in which the cotton is stored, as shown in § 607.21. If the producer desires to sell his equity in the cotton, he must complete the Producer's Equity Transfer Agreement in the Producer's Equity Transfer on the reverse side of the Producer's Loan Statement furnished him by the New Orleans Office, and the Certificate of Witness in the Producer's Equity Transfer must be dated and signed by a witness approved for such purpose by a county committee in the cotton-producing area. Outside the cotton-producing area, the certificate may be executed by a notary public. The equity purchaser must complete the Certificate of Purchaser in the Producer's Equity Transfer and send it to CCC, in care of the custodial office serving the district in which the cotton is stored. Upon receipt of the Producer's Redemption Request or the Producer's Equity Transfer, the custodial office will forward the note and warehouse receipts to any approved bank designated by the person requesting their release, with directions to the bank to release the note and warehouse receipts only to the producer or holder of the equity transfer upon payment of the amount due on the loan. In all such cases, the bank will be instructed to return the note and warehouse receipts to the custodial office if payment is not effected within 15 days. All charges assessed by the bank to which the note and warehouse receipts are sent must be paid by the person requesting the release of the cotton. In the event the Producer's Loan Statement is destroyed or lost, the producer may obtain a duplicate of such form from the custodial office serving the district in which the cotton is stored.

(b) *Farm-stored cotton.* If a producer desires to repay his loan and obtain the release of the cotton securing the note, he may obtain complete instructions from the county committee of the county in which the cotton is stored. Partial releases will be allowed.

§ 607.25 *Cotton cooperative marketing association loans.* A special form of loan agreement will be made available to cotton cooperative marketing associations whereby members of such associations may act collectively in obtaining loans. The loan rates under this agreement will be the same as the loan rates to individual producers, and loans to such associations will otherwise be made on substantially the same basis as loans to individual producers. Members desiring to obtain loans from their associations should contact their associations.

§ 607.26 *Schedule of premiums and discounts for upland cotton (basis 15/16 inch middling).*

Grade	Staple length (inches)													
	13/16	7/8	29/32	15/16	31/32	1	1 1/32	1 1/16	1 3/32	1 1/8	1 5/32	1 3/16	1 7/32	1 1/4 & longer
White and Extra White	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*	*Pts.*
Good Middling and Better	−295	−175	−65	50	75	110	150	180	270	430	705	1,205	1,870	2,155
Strict Middling	−305	−185	−75	35	65	100	135	165	255	420	680	1,180	1,845	2,130
Middling	−340	−220	−110	Base	25	60	90	115	175	325	575	1,065	1,735	1,955
St. Low Middling	−485	−370	−265	−145	−120	−95	−70	−10	100	245	655	900	1,000	
Low Middling	−875	−780	−685	−605	−600	−585	−580	−580	−570	−560	−545	−530	−520	−495
St. Good Ordinary	−1,280	−1,195	−1,095	−1,000	−1,000	−995	−995	−985	−960	−950	−950	−950	−950	−950
Good Ordinary	−1,545	−1,415	−1,315	−1,230	−1,230	−1,230	−1,230	−1,210	−1,140	−1,115	−1,115	−1,115	−1,115	−1,115
Spotted														
Good Middling	−425	−320	−205	−100	−80	−65	−50	−35	−5	20	55	95	145	195
Strict Middling	−435	−335	−220	−115	−95	−75	−60	−45	−15	5	35	70	120	170
Middling	−615	−515	−405	−295	−280	−260	−250	−240	−195	−170	−145	−120	−95	−70
St. Low Middling	−1,165	−1,055	−945	−830	−825	−815	−815	−810	−810	−810	−810	−810	−810	−810
Low Middling	−1,500	−1,415	−1,320	−1,215	−1,215	−1,215	−1,215	−1,210	−1,200	−1,200	−1,200	−1,200	−1,200	−1,200
Tinged														
Good Middling	−1,060	−920	−835	−750	−750	−725	−720	−710	−680	−655	−630	−580	−530	−505
Strict Middling	−1,105	−955	−865	−785	−785	−760	−755	−740	−700	−675	−650	−600	−550	−525
Middling	−1,350	−1,220	−1,135	−1,050	−1,050	−1,035	−1,035	−1,025	−1,005	−1,005	−1,005	−1,005	−1,005	−1,005
St. Low Middling	−1,690	−1,520	−1,420	−1,345	−1,345	−1,335	−1,335	−1,310	−1,275	−1,260	−1,260	−1,260	−1,260	−1,260
Low Middling	−1,860	−1,715	−1,520	−1,555	−1,550	−1,550	−1,550	−1,540	−1,525	−1,515	−1,515	−1,515	−1,515	−1,515
Yellow Stained														
Good Middling	−1,405	−1,265	−1,165	−1,080	−1,080	−1,080	−1,075	−1,070	−1,060	−1,050	−1,050	−1,050	−1,050	−1,050
Strict Middling	−1,475	−1,320	−1,220	−1,135	−1,135	−1,130	−1,130	−1,120	−1,100	−1,085	−1,085	−1,085	−1,085	−1,085
Middling	−1,675	−1,485	−1,380	−1,305	−1,300	−1,300	−1,300	−1,295	−1,295	−1,295	−1,295	−1,295	−1,295	−1,295
Gray														
Good Middling	−510	−455	−345	−255	−245	−230	−220	−210	−200	−180	−105	−30	20	85
Strict Middling	−550	−490	−375	−295	−280	−270	−255	−245	−225	−200	−130	−85	−5	60
Middling	−655	−570	−460	−375	−365	−355	−340	−330	−320	−315	−300	−270	−245	−235
St. Low Middling	−1,150	−1,050	−950	−875	−850	−850	−850	−850	−850	−850	−850	−850	−850	−850

Issued this 30th day of June 1949.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

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[1949 C. C. C. Flaxseed Bulletin II]

PART 643—OILSEEDS

SUBPART—1949 FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

This bulletin states the requirements with respect to the 1949 flaxseed loan and purchase agreement program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). This program, together with the 1949 Texas Flaxseed Purchase Program (1949 C. C. C. Flaxseed Bulletin I, §§ 643.101 to 643.114, 14 F. R. 2007, 2847), constitutes the 1949 Flaxseed Price Support Program. Loans and purchase agreements will be made available in accordance with this bulletin on eligible flaxseed produced in 1949. The program will be carried out by PMA under the general supervision and direction of the Manager, CCC.

Sec.
643.115 Administration.
643.116 Availability of loans and purchase agreements.
643.117 Approved lending agencies.
643.118 Eligible producer.
643.119 Eligible flaxseed.
643.120 Approved storage.
643.121 Approved forms.
643.122 Determination of quantity.
643.123 Determination of dockage.
643.124 Liens.
643.125 Service fees.
643.126 Set-offs.
643.127 Interest rate.
643.128 Transfer of producer's equity.
643.129 Safeguarding of the flaxseed.
643.130 Insurance.
643.131 Loss or damage to the flaxseed.
643.132 Personal liability.
643.133 Maturity and satisfaction.
643.134 Removal of the flaxseed under loan.
643.135 Release of the flaxseed under loan.
643.136 Storage allowance and track-loading payment.
643.137 Purchase of notes.
643.138 Loan rates.
643.139 PMA commodity offices.

AUTHORITY: §§ 643.115 to 643.139 issued under sec. 4 (d), Pub. Law 806, 80th Cong., interpret or apply sec. 5 (a), Pub. Law 806, 80th Cong., secs. 1 (b) and 202 (a), Pub. Law 897, 80th Cong.

§ 643.115 *Administration.* In the field, the program will be administered through State PMA committees, county agricultural conservation committees (hereinafter referred to as county committees) and PMA commodity offices. Forms will be distributed through the offices of State and county committees. County committees will determine or cause to be determined the quantity and grade of the flaxseed, the amount of the loan, and the value of the flaxseed delivered under a loan or purchase agreement. All loan and purchase documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to execute on behalf of the committee any forms and documents in connection with this program.

§ 643.116 *Availability of loans and purchase agreements*—(a) *Area.* (1) Loans and purchase agreements will be available on eligible flaxseed in approved farm storage in the States and counties for which loan rates are established in this bulletin and in supplements or amendments thereto.

(2) Loans and purchase agreements will be available on eligible flaxseed stored in approved warehouses in all areas except in the Texas counties designated for the 1949 Texas Flaxseed Purchase Program (1949 C. C. C. Flaxseed Bulletin I and any amendments thereto, § 643.104, 14 F. R. 2007, 2847).

(b) *Time.* Loans and purchase agreements will be available from harvest through October 31, 1949, for the States of Arizona, California, and Texas, and through January 31, 1950, for all other States.

(c) *Source.* Loans and purchase agreements will be made available through the offices of county committees. Disbursements on loans will be made to producers by State PMA offices by means of sight drafts drawn on CCC, or by approved lending agencies under agreement with CCC. Disbursements on loans will be made not later than November 15, 1949, in the States of Arizona, California, and Texas, and not later than February 15, 1950, in all other States, except where specially approved by CCC in each instance.

§ 643.117 *Approved lending agencies.* An approved lending agency shall be any

bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a lending agency agreement (Form PMA–97 or other form prescribed by CCC), or a loan servicing agreement.

§ 643.118 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing flaxseed in 1949, as landowner, landlord, tenant, or sharecropper.

§ 643.119 *Eligible flaxseed.* Eligible flaxseed shall be flaxseed which meets the following requirements:

(a) The flaxseed must have been produced in the continental United States (excluding the Texas counties designated for the 1949 Texas Flaxseed Purchase Program) in 1949 by an eligible producer.

(b) The beneficial interest in the flaxseed must be in the person tendering the flaxseed for a loan or purchase agreement and must have always been in him or must have been in him and a former producer whom he succeeded before the flaxseed was harvested.

(c) The flaxseed must grade No. 1 or 2. Flaxseed which contains more than 30 percent damage or more than 11 percent moisture or which is musty, sour, heating, hot, or which has any commercially objectionable odor, or which is otherwise of low quality, shall not be eligible for loan or purchase agreement.

(d) If offered as security for a farm storage loan, the flaxseed must have been stored in the bin or granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the State PMA committee.

§ 643.120 *Approved storage.* Approved storage for flaxseed shall meet the following requirements:

(a) Under the loan program, approved farm storage shall consist of storage structures located on or off the farm which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of flaxseed, permit effective fumigation for the destruction of insects, and afford protection against thieves, rodents, other animals, and weather.

(b) Under the loan and purchase agreement program, approved warehouse storage shall consist of (1) public grain warehouses for which a Uniform Grain Storage Agreement (CCC Form H, revised), in effect for the 1949 crop, has been executed; or (2) warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission, for which custodian agreements are in effect for the program year. The names of approved warehouses may be obtained from State offices and county committees.

§ 643.121 *Approved forms.* The approved forms consist of the loan and purchase agreement documents which, together with the provisions of this bulletin and any supplements or amendments thereto, govern the rights and responsibilities of the producer. Notes and chattel mortgages and note and loan agreements must be dated on or before October 31, 1949, for the States of Arizona, California, and Texas, and on or before January 31, 1950, for all other States, and must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor or trustee, will be acceptable only where legally valid.

(a) *Farm storage loans.* Approved forms shall consist of producer's note on Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA.

(b) *Warehouse storage loans.* Approved forms shall consist of the note and loan agreement on Commodity Loan Form B, secured by negotiable warehouse receipts representing the flaxseed stored in approved warehouses. All flaxseed pledged as security for a loan on a single Commodity Loan Form B must be stored in the same warehouse.

(c) *Purchase agreement documents.* The purchase agreement documents shall consist of the Purchase Agreement (Commodity Purchase Form 1), and Purchase Agreement Settlement (Commodity Purchase Form 4) signed by the producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by CCC.

(d) *Warehouse receipts.* Flaxseed in approved warehouse storage under the loan program or delivered under purchase agreements must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(2) Each warehouse receipt must set forth in its written terms that the flaxseed is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone and tornado, or in lieu of this statement it must have stamped or printed thereon the word "insured".

(3) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross weight, grade, dockage, test weight and all special grading factors, and shall be based on the inbound movement on delivery of the flaxseed to the warehouse. The determination of grade and dockage shall be made on the basis of a representative sample. Such sample shall be taken by the use of an automatic sampler, if available; if not available, by cutting the stream of falling grain, and if this is not possible, then by a method which will insure that the sample is truly representative of the entire lot presented for inspection. In areas where licensed inspectors are not available at terminal and sub-terminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by licensed grain inspectors.

§ 643.122 *Determination of quantity.* A bushel shall be 56 pounds of flaxseed free of dockage, when determined by weight, or 1.25 cubic feet of flaxseed testing 56 pounds per bushel when determined by measurement. A deduction of ¾ pound for each sack will be made in determining the net quantity of the flaxseed when stored as sacked grain. In determining the quantity of flaxseed in farm storage by measurement, fractional pounds of the test weight per bushel will be disregarded, and the quantity determined as above will be the following percentages of the quantity determined for 56-pound flaxseed:

For flaxseed testing	*Percent*
56 pounds or over	100
55 pounds or over, but less than 56 pounds	93
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	94
52 pounds or over, but less than 53 pounds	92
51 pounds or over, but less than 52 pounds	90
50 pounds or over, but less than 51 pounds	88
49 pounds or over, but less than 50 pounds	85
48 pounds or over, but less than 49 pounds	83
47 pounds or over, but less than 48 pounds	81

§ 643.123 *Determination of dockage.* The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States, and the weight of said dockage shall be deducted from the gross weight of the flaxseed in determining the net quantity available for loan or purchase

§ 643.124 *Liens.* The flaxseed must be free and clear of all liens and encumbrances, or if liens or encumbrances exist on the flaxseed, proper waivers must be obtained.

§ 643.125 *Service fees*—(a) *Loans.* Where the flaxseed is under a farm storage loan, the producer shall pay a service fee of 1 cent per bushel on the number of bushels placed under loan, or $3.00, whichever is greater, and where the flaxseed is under a warehouse storage loan, the producer shall pay a service fee of ½ cent per bushel on the number of bushels placed under loan, or $1.50, whichever is greater.

In the case of farm storage loans, state committees are authorized to require prepayment of the $3.00 service fee.

(b) *Purchase agreements.* At the time the producer signs a purchase agreement he shall pay a service fee of ½ cent per bushel on the number of bushels specified on Commodity Purchase Form 1 as the maximum quantity he may deliver, or $1.50, whichever is greater.

(c) *Refunds.* No refund of service fee will be made.

§ 643.126 *Set-offs.* Any storage payments due the producer for storage of the commodity in farm storage structures on which CCC has made or guaranteed a storage facility loan to the producer, shall be applied to such storage facility loan until the same is fully repaid. Any amount of such storage payments not so applied and any other storage payments, together with all payments for related

services, due the producer shall be subject to set-off in the same manner as provided below for loan or purchase proceeds.

If the producer is indebted to CCC on any accrued obligation, or if any installments past due or maturing within twelve months are unpaid on any loan made available by CCC on farm storage facilities, whether held by CCC or a lending agency, he must designate CCC or such lending agency as the payee of the proceeds of the loan or purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service fees and amounts due prior lienholders.

If the producer is indebted to any other agency of the U. S., and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above.

Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders.

§ 643.127 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum, and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 643.128 *Transfer of producer's equity*—(a) *Loans.* The right of the producer to transfer either his right to redeem the flaxseed under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his interest in the purchase agreement.

§ 643.129 *Safeguarding of the flaxseed.* The producer who places farm storage flaxseed under loan is obligated to maintain the farm storage structures in good repair, and to keep the flaxseed in good condition.

§ 643.130 *Insurance.* CCC will not require the producer to insure the flaxseed placed under farm storage loan; however, if the producer does insure such flaxseed, such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the flaxseed involved in the loss.

§ 643.131 *Loss or damage to the flaxseed.* The producer is responsible for any loss in quantity or quality of the flaxseed placed under farm storage loan, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer or any other person having control of a storage structure not located on the farm, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC, provided, the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan.

§ 643.132 *Personal liability.* The making of any fraudulent representations by the producer in the loan documents, or in obtaining the loan or purchase agreement, or the conversion or unlawful disposition of any portion of the flaxseed by him, shall render the producer subject to criminal prosecution under Federal law and render him personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 643.133 *Maturity and satisfaction*—(a) *Loans.* Loans mature on demand but not later than January 31, 1950, for Arizona, California and Texas, and not later than April 30, 1950, for all other States. In the case of farm storage loans, the producer is required to pay off his loan on or before maturity, or to deliver the mortgaged flaxseed in accordance with instructions of the county committee. Credit will be given at the applicable loan value, according to grade and/or quality for the total quantity delivered, provided it was stored in the bin(s) in which the flaxseed under loan was stored. The loan value (county loan rates), for flaxseed delivered to CCC under a farm storage loan will be set forth in this bulletin and in supplements or amendments thereto.

If the settlement value of the flaxseed delivered under a farm storage loan exceeds the amount due under the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the State PMA office.

If the settlement value of the flaxseed is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the flaxseed may be delivered before the maturity date of the loan, upon prior approval by the county committee.

In the case of warehouse storage loans, if the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the flaxseed in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 643.134. Any payment due a producer at the time of settlement on a warehouse storage loan, shall be made by the appropriate PMA commodity office.

(b) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to deliver any flaxseed to CCC. However, the quantity stated in the purchase agreement will be the maximum quantity he may deliver to CCC. If the producer who signs a purchase agreement wishes to sell flaxseed to CCC, he will have a 30-day period ending January 31, 1950, in the States of Arizona, California and Texas, and on April 30, 1950, in all other States, during which he must notify the county committee of his intention to sell, or on such earlier date as may be prescribed in any amendment or supplement to this bulletin.

In the case of eligible flaxseed stored in an approved warehouse, the producer must not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by CCC, submit warehouse receipts under which the warehouseman guarantees quality and quantity to the county committee for the quantity of flaxseed he elects to sell to CCC, but not in excess of the number of bushels shown on Commodity Purchase Form 1. In the case of eligible flaxseed stored in other than approved warehouse storage, the county committee will on or after February 1, 1950, in the States of Arizona, California and Texas, or on or after May 1, 1950, in all other States, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions, unless the county committee determines that more time is needed for delivery.

Flaxseed delivered under a purchase agreement will be purchased at the applicable loan rate for the approved point of delivery. When delivery is completed, payment will be made by a sight draft drawn on CCC by the State PMA office on the basis of Commodity Purchase Form 4. The producer shall direct on such form to whom payment of the purchase price shall be made.

Eligible flaxseed will be purchased on the basis of the weight, grade, and other quality factors shown on the warehouse receipts and/or accompanying documents; or if such flaxseed is delivered to a CCC storage facility, on the basis of the weight, grade, and other quality factors, determined by the county committee (in accordance with instructions for the determination of such factors under the loan program), and agreed to by the producer at the time of delivery.

§ 643.134 *Removal of the flaxseed under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the flaxseed and sell it, either by separate contract or after pooling it with other lots of flaxseed similarly held. If the flaxseed is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any over-plus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled flaxseed as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers and not unduly impair the market for the current crop of flaxseed, even though part or all of the pooled flaxseed is disposed of at prices less than the current domestic price of such flaxseed. Any sum due the producer as a result of the sale of the flaxseed or of insurance proceeds thereon, or any ratable share resulting from the liquidation of the pool, shall be payable only to the producer, without a right of assignment by him.

§ 643.135 *Release of the flaxseed under loan.* A producer may at any time obtain release of flaxseed remaining under loan by paying to the holder of the note, or note and loan agreement,

the principal amount thereof, plus charges and accrued interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local lending agency or to the county committee for collection. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of the farm storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by executing a marginal release on the county records. Partial release of the flaxseed prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the flaxseed to be released. In the case of warehouse storage loans, each partial release must cover all of the flaxseed under one warehouse receipt.

§ 643.136 *Storage allowance and track-loading payment*—(a) *Warehouse storage loans.* CCC will assume accrued warehouse storage charges on flaxseed which is not redeemed by the producer.

(b) *Farm storage loans.* A farm storage payment of 7 cents per bushel will be made to the producer (1) on flaxseed delivered to CCC on or after the maturity dates in the respective areas, or (2) on flaxseed delivered to CCC prior to the maturity dates in the respective areas, pursuant to demand by CCC for repayment of the loan. If delivery is made prior to January 31, 1950, in Arizona, California, and Texas, or April 30, 1940, in all other States, upon request by the producer and with the approval of CCC, or in the case of loss assumed by CCC under the loan program, the storage payment will be as follows:

	Arizona, California, Texas	Other States
6 cents per bushel if delivered or loss occurs in month of.	Jan. 1950	Apr. 1950.
5 cents per bushel if delivered or loss occurs in month of.	Dec. 1949	Mar. 1950.
4 cents per bushel if delivered or loss occurs in month of.	Nov. 1949	Feb. 1950.
3 cents per bushel if delivered or loss occurs in month of.	Oct. 1949	Jan. 1950.
2 cents per bushel if delivered or loss occurs in month of.	Sept. 1949	Dec. 1949.

Earned storage shall be computed after delivery has been completed. No storage payment will be made if delivery is made or the loss occurs prior to September 1949, in Arizona, California, and Texas, or prior to December 1949, in all other States.

No storage payment will be made on flaxseed delivered to CCC prior to January 31, 1950, in Arizona, California and Texas, or prior to April 30, 1950, in all other States, pursuant to demand by CCC for the repayment of a loan, if such demand for repayment was due to any fraudulent representation on the part of the producer, or the fact that the flaxseed was damaged, threatened with damage, abandoned, or otherwise impaired.

(c) *Purchase agreements.* CCC will assume accrued warehouse charges on flaxseed in eligible warehouse storage, or make a payment of 7 cents per bushel to the producer on flaxseed in eligible warehouse storage, if it is shown that all warehouse charges other than receiving charges have been paid by the producer through January 31, 1950, in Arizona, California and Texas and through April 30, 1950, in all other States. A payment of 7 cents per bushel will be made to the producer on flaxseed delivered from other than eligible warehouse storage pursuant to delivery instructions issued by the county committee.

(d) *Track-loading payment.* A track-loading payment of 2 cents per bushel will be made to the producer on flaxseed delivered on track at a country point.

§ 643.137 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe, covering all payments received on producer's notes held by them, and are required to remit to CCC an amount equivalent to 1½ percent per annum of the amount of the principal collected from the date of disbursement to the date of payment. Lending agencies should submit notes and reports to the PMA Commodity office serving the area.

§ 643.138 *Loan rates*—(a) *Basic loan rates at designated terminal markets.* The 1949 loan rates per bushel for No. 1 flaxseed stored in approved warehouses at the terminal markets listed below shall be as follows:

	Loan rate per bushel
Minneapolis and Duluth, Minn., Chicago, Ill., and Portland, Oreg	$3.99
Los Angeles and San Francisco, Calif	4.14
Fredonia, Kans	3.74
Corpus Christi and Houston, Tex	3.69

For loan or purchase at the full basic rates shown in the above schedule, the flaxseed must have been shipped on a domestic interstate freight rate basis. The loan rate at the designated terminal market will be reduced by the difference between the freight paid and the domestic freight rate on any flaxseed shipped at other than the domestic freight rate.

The foregoing schedule of loan rates applies to flaxseed delivered to any of the above-designated terminal markets in carload lots, which has been shipped by rail from a country shipping point to such designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges and other documents as required herein: *Provided,* That in the event the amount of paid-in freight is insufficient to guarantee minimum proportional freight rate from the designated terminal market, there shall be deducted from the applicable terminal loan rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional freight rate. The warehouse receipts must be accompanied by the registered freight bills, or by (1) a statement in the following form signed by the warehouseman, (2) a certificate of such warehouseman containing such an undertaking, or, (3) such other form of certification as may be approved by CCC.

FREIGHT CERTIFICATE FOR TERMINALS

The flaxseed represented by attached warehouse receipt No. _____ was received by rail freight from _____ _____ (Town) (County) _____, point of origin, as evidenced (State) by freight bill described as follows:

Way Bill, date _____
No. _____
Car No. _____
Init. _____
Freight bill, date _____
No. _____
Carrier _____
Transit weight _____
Freight rate in _____
Amount collected _____
Number unused transit stops _____

The above-described freight bills have been officially registered for transit and will be held in accordance with the provisions of paragraph 19 of the Uniform Grain Storage Agreement.

_____
(Date of signature)

_____
(Warehouseman's signature)

_____
(Address)

The loan rate for flaxseed delivered by rail in carload lots and stored in a designated terminal market, for which neither registered freight bills nor such freight certificates are presented, shall be the terminal loan rate minus 8 cents per bushel. The loan rate for trucked-in flaxseed stored at a designated terminal market shall be the same as the loan rate for the county in which the flaxseed is stored.

(b) *Basic loan rates at points other than designated terminal markets.* CCC will determine county loan rates on flaxseed in storage on the farm or in approved county warehouses by deducting from the designated terminal market loan rate an amount equal to 10 cents more than the applicable county average freight rate per bushel, plus freight tax, to such terminal market.

Each approved warehouse will be advised as to the loan rate applicable to flaxseed stored in such warehouse. Producers may obtain from their respective county committees the loan rates applicable to flaxseed stored on farms and in the public warehouses. County loan rates determined in accordance with this section will be published in this bulletin and supplements or amendments thereto.

The loan rate for eligible flaxseed stored in approved warehouses (other than those situated in the designated terminal markets) which was shipped by rail from country shipping points will be determined by deducting from the appropriate designated terminal market

loan rate an amount equal to the transit balance of the through freight rate from point of origin for such flaxseed to such terminal market plus freight tax on such transit balance: *Provided*, That in the case of flaxseed stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated terminal market, there shall be added to such transit balance the amount of such out-of-line or other costs, as determined by CCC.

The warehouse receipts, in addition to other required documents, must be accompanied by the original paid freight bills duly registered for transit privileges, or by a statement in the following form, signed by the warehouseman, or by a warehouseman's supplemental certificate containing such information:

FREIGHT CERTIFICATE FOR OTHER THAN TERMINAL POINTS

The flaxseed represented by attached warehouse receipt No. _____ was received by rail freight from _____
(Town)

_____ _____
(County) (State)

point of origin, as evidenced by freight bill described as follows:

Way Bill, date _____
No. _____
Car No. _____
Init. _____
Freight bill, date _____
No. _____
Carrier _____
Transit weight _____
Freight rate in _____
Amount collected _____
Transit balance, if any, of through freight
to _____
of _____
@ per 100 pounds.
Number unused transit stops _____

The above-described paid freight bill has been officially registered for transit and will be held in accordance with the provisions of paragraph 19 of the Uniform Grain Storage Agreement.

_____
(Date of signature)

_____
(Warehouseman's signature)

_____
(Address)

(c) *Variations for grades.* The loan rate for No. 2 flaxseed shall be 5 cents per bushel less than the loan rate for No. 1 flaxseed.

(d) *County loan rates for No. 1 flaxseed; Arizona and California.* The 1949 county loan rates for the states of Arizona and California determined in accordance with this section shall be as follows:

ARIZONA

County	No. 1 flaxseed per bushel	County	No. 1 flaxseed per bushel
Maricopa	$3.87	Yuma	$3.89
Pinal	3.86		

CALIFORNIA

Alameda	$3.99	Madera	$3.96
Fresno	3.94	Merced	3.96
Imperial	3.92	Riverside	3.92
Kern	3.93	San Mateo	4.00
Kings	3.93	Santa Cruz	3.97
Los Angeles	3.98		

§ 643.139 *PMA Commodity offices.* The PMA Commodity offices and the flaxseed growing area served by each are shown below:

Addresses and Areas

Chicago 5, Ill., 623 South Wabash Avenue; Illinois, Indiana, Iowa, Michigan, and Ohio.

Dallas 2, Tex., 1114 Commerce Street; Oklahoma and Texas.

Kansas City 6, Mo.; Postal Building, 802 Delaware Avenue; Kansas, Missouri, Nebraska, and Wyoming.

Minneapolis 1, Minn., 328 McKnight Building; Minnesota, Montana, North Dakota, South Dakota, and Wisconsin.

Portland 5, Oreg., 515 Southwest Tenth Avenue; Idaho, Oregon, and Washington.

San Francisco 3, Calif., 30 Van Ness Avenue; Arizona and California.

Issued this 30th day of June 1949.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 49-5487; Filed, July 6, 1949; 8:57 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

PART 664—TOBACCO

SUBPART—1948 TOBACCO LOAN PROGRAM

Set forth below is schedule of advance rates, by grades, for the 1948 crop of type 46, Puerto Rican tobacco, under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published July 15, 1948 (13 F. R. 4004).

§ 664.17 *1948 Crop; Puerto Rican Tobacco, Type 46, Advance Schedule.*[1]

[Dollars per 100 pounds, farm sales weight]

Grade:	Advance rate	Grade:	Advance rate
C1FB	45	C3T	30
C1F	41	X1F	25
C2F	40	X1P	24
C3F	34	X2F	17
C1PB	43	X2P	19
C1P	40	X3	15
C2P	38	Y1	11
C3P	31	Y2	8
C3PS	28	N1	11
C1M	40	N2	5
C3M	32		

(Sec. 4 (d), Pub. Law 806, 80th Cong. Interpret or apply secs. 4 (g), (l), 5 (a), Pub. Law 806, 80th Cong., sec. 1, Pub. Law 897, 80th Cong.)

Issued this 30th day of June 1949.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 49-5480; Filed, July 6, 1949; 9:05 a. m.]

[1] The organizations acting for growers in handling the loan are authorized to deduct $1.00 per hundred pounds from the advances to growers to apply against overhead and handling costs. Tobacco can be placed under loan only by the original producer.

PART 664—TOBACCO

SUBPART—1949 TOBACCO LOAN PROGRAM

Statement with respect to the tobacco loan program for the 1949–50 marketing year—1949 crop—formulated by the Commodity Credit Corporation and Production and Marketing Administration (hereinafter referred to as "CCC" and "PMA"). Advance rates for the various kinds of tobacco will be announced at later dates as supplements to this statement.

Sec.
664.101 Level of loans.
664.102 Administration.
664.103 Deductions from loans.
664.104 Advance to growers.
664.105 Interest rates, recourse and distribution of net gains.
664.106 Maturity date.
664.107 Eligible producer.
664.108 Eligible tobacco.

AUTHORITY: §§ 664.101 to 664.108, issued under sec. 1 (a), 62 Stat. 1247; sec. 5 (a), 62 Stat. 1072; and sec. 2, 59 Stat. 506.

§ 664.101 *Level of loans.* Loans will be made to cooperating growers of 1949 crop U. S. and Puerto Rican tobacco at 90 percent of parity as of the beginning of the marketing year, except in the case of flre-cured tobacco for which the advance rate is 75% of the Burley rate, and dark air-cured and Virginia sun-cured tobacco for which advance rates are 66⅔% of the Burley rate. Advances to non-cooperators are restricted to 60% of the rate for cooperators and limited to that portion of the tobacco which would be subject to penalty if marketed. The advance rate will be based on the parity price as of the beginning of the marketing year; i. e., July 1, 1949, for flue-cured tobacco and October 1, 1949, for all other kinds.

§ 664.102 *Administration.* The Tobacco Branch, PMA, will supervise the execution of the program. Field execution of the operation will be carried out by producer cooperative associations or other responsible organizations (hereinafter referred to as "associations") acting for groups of growers under contracts with CCC. The names of the associations may be obtained from the Tobacco Branch. The services performed by the associations include marketing the tobacco and arranging for the receiving, redrying, packing, and storing. CCC advances to the associations the funds to carry out these services as part of the loan on the tobacco. The associations are authorized to enter into contracts for the transportation, packing and storage of the tobacco through usual trade channels. Advance rates by official standard grades are established to reflect quality and other differences among the various kinds ,types, and grades. Loans are made to the associations which in turn make advances to growers, either directly or through auction warehouses. Loans to non-cooperators will be made

available through special arrangements upon request to the Director, Tobacco Branch, PMA. All tobacco must be graded by U. S. Government inspectors in order to be eligible for loan.

§ 664.103 *Deductions from loans.* The associations will be required to bear a portion of the overhead costs in connection with the loan operation. In the auction marketing areas where the grower pays the warehouseman for receiving and displaying the tobacco, the minimum fee is 12 cents per hundred pounds. For this purpose the association will be authorized to charge the grower an equivalent amount. Such charges may be collected by a deduction from the advance made to the grower on his tobacco or by arrangements with the auction warehouseman under which they will collect such charges and remit to the association. In other areas where these services are not included as a normal part of the marketing process, the fee will be established at a rate commensurate with the relative cost of the service.

§ 664.104 *Advance to growers*—(a) *Auction market area.* The grower receives the advance for any baskets of tobacco placed under loan at the time and normally as part of the settlement by the warehouse for all of his tobacco displayed for inspection and offered for sale on the day's auction.

(b) *Non-auction market area.* Producers deliver their tobacco to central receiving points established by the association in the non-auction market area. The tobacco will be received, graded by U. S. Government inspectors, and the loan advanced directly to the producer by the association.

§ 664.105 *Interest rates, recourse, and distribution of net gains.* After all of the tobacco of one crop pledged for loan by any association is marketed, any net gains will be distributed by the association to the growers who placed the tobacco under loan, or through other disposition authorized by the association's contracts with its members, if such disposition is approved by CCC. The loans made to the associations will bear interest at the rate of 3 percent per annum and be non-recourse both as to principal and interest except in the case of misrepresentation, fraud, or failure to carry out the terms of the contract.

§ 664.106 *Maturity date.* Loans made under the program will mature on demand but not later than January 1, 1952, unless extended by CCC.

§ 664.107 *Eligible producer.* An eligible producer is one who has not produced tobacco in excess of his farm acreage allotment for those types on which quotas are in effect, namely, flue-cured, Burley, fire-cured, and dark air-cured. Growers of all other types are considered eligible for purpose of this operation.

§ 664.108 *Eligible tobacco.* Eligible tobacco shall be U. S. and Puerto Rican tobacco of the 1949 crop which (a) has been properly identified in accordance with applicable tobacco Marketing Quota Regulations on a valid memorandum of sale issued from a "Within Quota" Marketing Quota Card, where quotas are in effect (where the producer is a non-cooperator, only tobacco subject to penalty is eligible and the loan rate is limited to 60 percent of the rate to cooperators); (b) has been delivered to the association (except in the case of non-cooperators) by the original grower; (c) is in sound and merchantable condition; (d) is free and clear of any and all liens and encumbrances and (e) is tendered to CCC as security for the loan between the dates set forth below:

Kind	Earliest date	Latest date
Flue-cured	July 1, 1949	Feb. 28, 1950
Burley	Nov. 1, 1949	Apr. 30, 1950
Fire-cured	do	Do.
Dark air-cured	do	Do.
Maryland	Apr. 1, 1950	Sept. 30, 1950
Cigar filler and binder (except Puerto Rican)	Sept. 1, 1949	July 31, 1950
Puerto Rican	Feb. 1, 1950	Sept. 30, 1950

Issued this 30th day of June 1949.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 49-5488; Filed July 6, 1949; 8:59 a. m.]

[1949 C. C. C. Wheat Bulletin 1]

PART 671—WHEAT

SUBPART—1949-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

1949-CROP WHEAT PRICE SUPPORT PROGRAM BULLETIN

This bulletin states the requirements with respect to the 1949-Crop Wheat Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Production and Marketing Administration (hereinafter referred to as PMA). The program will be carried out by PMA under the general direction and supervision of the Manager, CCC. Loans and purchase agreements will be made available on wheat produced in 1949 in accordance with this bulletin.

Sec.

AUTHORITY: §§ 671.101 to 671.123, issued under sec. 5 (a) Pub. Law 806, 80th Cong., sec. 1 (d), Pub. Law 897, 80th Cong.; 62 Stat. 1072, 1247.

§ 671.101 *Administration.* In the field the program will be administered through State PMA committees, county agricultural conservation committees (hereinafter referred to as county committees), and PMA commodity offices.

Forms will be distributed through the offices of State and county committees. All loan and purchase documents will be completed and approved by the county committee, which will retain copies of all such documents. The county committee may designate in writing certain employees of the county agricultural conservation association to approve such forms on the behalf of the committee.

§ 671.102 *Availability of loans and purchase agreements*—(a) *Area.* (1) Loans will be available on eligible wheat in approved farm-storage in the States and counties for which loan rates are established in Supplement 1 to this bulletin.

(2) Loans will be available on eligible wheat stored in approved warehouses in all areas.

(3) Purchase agreements will be available on wheat in all areas.

(b) *Time.* Loans and purchase agreements will be available from time of harvest through January 31, 1950, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date.

(c) *Source.* Loans and purchase agreements will be made through the offices of county committees. Disbursements on loans will be made to producers by State PMA offices by means of sight drafts drawn on CCC, or by approved lending agencies under agreements with CCC.

§ 671.103 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a Lending Agency Agreement (Form PMA-97 or other form prescribed by CCC), or a loan servicing agreement.

§ 671.104 *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, or other legal entity producing wheat in 1949 as landowner, landlord, tenant, or sharecropper.

§ 671.105 *Eligible wheat.* To be eligible for loan or for purchase, wheat shall meet the following requirements:

(a) Such wheat must be produced in 1949 by an eligible producer, or wheat produced in 1949 and represented by a "Certificate of Indemnity" (Form FCI-574, Revised), issued by the Federal Crop Insurance Corporation to an eligible producer.

(b) The beneficial interest in the wheat must be in the person tendering the wheat for loan or purchase, must always have been in him, or must have

been in him and a former producer whom he succeeded before the wheat was harvested.

(c) Such wheat must be (1) wheat of any class grading No. 3 or better; or (2) wheat of any class grading No. 4 or 5 on the factor "test weight" and/or because of the factor "durum and/or red durum" but otherwise grading No. 3 or better (if the wheat is warehouse stored, the quality of the wheat must be evidenced by a statement of the warehouseman on the warehouse receipt, the inspection certificate, or the warehouseman's supplemental certificate substantially as follows: "This wheat grades No. _____ because of _____."); or (3) wheat of the class mixed wheat, consisting only of mixtures of grades of eligible wheat as stated in subparagraphs (1) or (2) of this paragraph provided such mixtures are the natural products of the field.

(d) If such wheat is of the class hard red spring, durum, or red durum, it shall contain not more than 14½ percent moisture, and if it is of any other class, it shall contain not more than 14 percent moisture.

(e) If offered as security for a farm-storage loan, the wheat must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the State PMA committee.

§ 671.106 *Approved storage.* Approved storage for wheat shall meet the following requirements:

(a) Under the loan program approved farm storage shall consist of storage structures located on the farm or off the farm, provided no warehouse receipt is outstanding, which, as determined by the county committee, are of such substantial and permanent construction as to afford safe storage of wheat.

(b) Under the loan and purchase agreement programs, approved warehouse storage shall consist of (1) public grain warehouses for which a Uniform Grain Storage Agreement (CCC Form H, Revised) in effect for the 1949 crop has been executed; or (2) warehouses operated by eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect for the program year. The names of approved warehouses may be obtained from State offices and county committees.

§ 671.107 *Approved forms.* The approved forms consist of the loan and purchase agreement documents which, together with the provisions of this bulletin and any supplements and amendments thereto, govern the rights and responsibilities of the producer. Notes and chattel mortgages, and note and loan agreements, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid.

(a) *Farm storage loans.* Approved forms shall consist of producer's notes on Commodity Loan Form A, secured by a chattel mortgage on Commodity Loan Form AA.

(b) *Warehouse storage loans.* Approved forms shall consist of the note and loan agreement on Commodity Loan Form B, secured by negotiable warehouse receipts representing the wheat stored in approved warehouses. All wheat pledged as security for a loan on a single Commodity Loan Form B must be stored in the same warehouse.

(c) *Purchase agreement documents.* The purchase agreement documents shall consist of the Purchase Agreement (Commodity Purchase Form 1), Delivery Instructions (Commodity Purchase Form 3), and Purchase Agreement Settlement (Commodity Purchase Form 4) signed by the producer and approved by the county committee, negotiable warehouse receipts, and such other forms as may be prescribed by CCC.

(d) *Warehouse receipts.* Wheat in approved warehouse storage under the loan program and wheat delivered under purchase agreements must be represented by warehouse receipts which satisfy the following requirements:

(1) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be issued by an approved warehouse.

(2) Each warehouse receipt must set forth in its written terms that the wheat is insured for not less than market value against the hazards of fire, lightning, inherent explosion, windstorm, cyclone and tornado, or, in lieu of this statement, it must have stamped or printed thereon the word "Insured."

(3) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt, must show the gross weight or bushels, grade and subclass, test weight, protein content (if determined by protein analysis), degree or percentage of smut, garlic, and dockage, and must also show the moisture content except in the States of California, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming. (In those areas where moisture content is required, but it is not customary for country warehousemen to determine the exact moisture percentage, a warehouse receipt representing wheat stored in a country warehouse will be accepted if the moisture content is not shown, provided the grade of wheat does not show the word "tough." In such cases the warehouseman will be responsible for delivering wheat which does not grade "tough" or "sample" due to moisture content.) In areas where licensed inspectors are not available at terminal and subterminal warehouses, CCC will accept inspection certificates based on representative samples which have been forwarded to and graded by licensed grain inspectors. The official inbound weight and inspection certificates must represent wheat unloaded in the warehouse issuing said receipt.

(4) In the case of warehouse receipts issued for wheat delivered by rail or barge, the protein content, as determined by a recognized protein testing laboratory, must be shown on each warehouse receipt (or supplemental certificate accompanying the warehouse receipt) representing wheat of the subclasses of hard red spring and hard red winter and of the subclass hard white wheat, except that protein content need not be shown for the subclasses hard winter and yellow hard winter produced in States or areas tributary to markets where a showing of protein content is not customarily required.

(5) If the warehouse receipt states that the wheat is stored as "specially binned" or "identity preserved" the producer must execute the supplemental certificate and assume responsibility for the quantity and quality indicated thereon.

§ 671.108 *Determination of quantity.* The quantity of wheat may be determined either by weight or by measurement. When the quantity is determined by weight, a bushel shall be 60 pounds of wheat free of dockage. In determining the quantity of sacked wheat by weight, a deduction of ¾ of a pound for each sack will be made.

When the quantity of wheat is determined by measurement, a bushel will be 1.25 cubic feet of wheat testing 60 pounds per bushel, fractional pounds of test weight per bushel will be disregarded, and the quantity determined will be the following percentages of the quantity determined for 60 pound wheat:

For wheat testing:

	Percent
65 pounds or over	108
64 pounds or over, but less than 65 pounds	107
63 pounds or over, but less than 64 pounds	105
62 pounds or over, but less than 63 pounds	103
61 pounds or over, but less than 62 pounds	102
60 pounds or over, but less than 61 pounds	100
59 pounds or over, but less than 60 pounds	98
58 pounds or over, but less than 59 pounds	97
57 pounds or over, but less than 58 pounds	95
56 pounds or over, but less than 57 pounds	93
55 pounds or over, but less than 56 pounds	92
54 pounds or over, but less than 55 pounds	90
53 pounds or over, but less than 54 pounds	88
52 pounds or over, but less than 53 pounds	87
51 pounds or over, but less than 52 pounds	85
50 pounds or over, but less than 51 pounds	83

§ 671.109 *Determination of dockage, smut, and garlic.* The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States and the weight of such dockage shall be deducted from the gross weight of the wheat in determining the net quantity available for loan or purchase.

In the States of California, Idaho, New Mexico, Nevada, Oregon, Utah, and Washington, the quantity of smut shall be stated in percentage in accordance with the method set out in paragraph (a) under "smutty wheat" in the current handbook of the Official Grain Standards of the United States, and shall be stated in terms of half percent, whole percent, or whole and half percent, and the quantity of smut so determined in pounds shall be deducted from the weight of the wheat after deduction of dockage. Elsewhere the smut condition of the wheat shall be determined on a degree basis in accordance with paragraph (b) under "smutty wheat," Official Grain Standards of the United States. Where applicable, the words "light smutty" or "smutty" shall be added to, and made a part of, the grade designation.

The garlic condition of the wheat shall be determined in accordance with the Official Grain Standards of the United States, and such condition shall be made a part of the grade designation by addition of the words "light garlicky" or the word "garlicky" as determined under such standards.

§ 671.110 *Liens.* If there are any liens or encumbrances on the wheat, proper waivers must be obtained.

§ 671.111 *Service fees*—(a) *Loans.* Where the wheat is under a farm-storage loan, the producer shall pay a service fee of 1 cent per bushel on the number of bushels placed under loan, or $3.00, whichever is greater, and where the wheat is under a warehouse-storage loan, the producer shall pay a service fee of ½ cent per bushel on the number of bushels placed under loan, or $1.50, whichever is greater. In the case of farm-storage loans, State committees are authorized to require prepayment of $3.00 of the service fee.

(b) *Purchase agreements.* At the time the producer signs a purchase agreement he shall pay a service fee of ½ cent per bushel on the number of bushels specified on Commodity Purchase Form 1 as the maximum quantity he may deliver, or $1.50, whichever is greater.

(c) *Refunds.* No refund of service fees will be made.

§ 671.112 *Set-offs.* Any storage payment due the producer for storage of the commodity in farm storage structures on which CCC has made or guaranteed a storage facility loan to the producer, shall be applied to such storage facility loan until the same is fully repaid. Any amount of such storage payments not so applied and any other storage payments, together with all payments for related services, due the produeer shall be subject to set-off in the same manner as provided below for loan or purchase proceeds.

If the producer is indebted to CCC on any accrued obligation, or if any installments past due or maturing within twelve months are unpaid on any loan made available by CCC on farm storage facilities, whether held by CCC or a lending agency, he must designate CCC or such lending agency as the payee of the proceeds of the loan or purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service fees and amounts due prior lienholders.

If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above.

Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders.

§ 671.113 *Interest rate.* Loans shall bear interest at the rate of 3 percent per annum and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 671.114 *Transfer of producer's equity*—(a) *Loans.* The right of the producer to transfer either his right to redeem the wheat under loan or his remaining interest may be restricted by CCC.

(b) *Purchase agreements.* The producer may not assign his interest in the purchase agreement.

§ 671.115 *Safeguarding of the wheat.* The producer obtaining a farm-storage loan is obligated to maintain the farm storage structures in good repair, and to keep the wheat in good condition.

§ 671.116 *Insurance.* CCC will not require the producer to insure the wheat placed under farm-storage loan; however, if the producer does insure such wheat, such insurance shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the wheat involved in the loss.

§ 671.117 *Loss or damage to the wheat.* The producer is responsible for any loss in quantity or quality to the wheat placed under farm-storage loan, except that uninsured physical loss or damage occurring without fault, negligence, or conversion on the part of the producer, resulting solely from an external cause other than insect infestation or vermin, will be assumed by CCC, provided the producer has given the county committee immediate notice in writing of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. In the case of wheat placed in a warehouse as "specially binned" or "identity preserved," the producer is responsible for any loss in quantity or quality except for insurable losses which must be assumed by the warehouseman, under the storage agreement.

§ 671.118 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the wheat by him, shall render the producer subject to criminal prosecution under Federal law and liability for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 671.119 *Maturity and satisfaction*—(a) *Loans.* Loans mature on demand but not later than April 30, 1950. In the case of farm-storage loans, the producer is required to pay off his loan on or before maturity or to deliver the mortgaged wheat in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value, according to grade and/or quality, for the total quantity delivered, provided it was stored in the bin(s) in which the wheat under loan was stored.

If the settlement value of the wheat delivered under a farm-storage loan exceeds the amount due on the loan, the amount of the excess shall be paid to the producer by a sight draft drawn on CCC by the State PMA office.

If the settlement value of the wheat is less than the amount due on the loan, the amount of the deficiency, plus interest, shall be paid by the producer to CCC, or may be set off against any payment which would otherwise be made to the producer under any agricultural programs administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. In the event the farm is sold or there is a change of tenancy, the wheat may be delivered before the maturity date of the loan upon prior approval by the county committee.

In the case of warehouse-storage loans, if the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the wheat in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 671.120. Any payment due a producer at time of settlement on a warehouse-storage loan shall be made by the appropriate PMA commodity office.

(b) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to deliver any wheat to CCC. However, the quantity which he stated in the purchase agreement will be the maximum quantity he may deliver to CCC. If the producer who signs a purchase agreement wishes to sell wheat to CCC, he will have a 30-day period during which he must notify the county committee of his intention to sell. This period will end on April 30, 1950, or on such earlier date as may be determined by the Manager, CCC.

In the case of eligible wheat stored in an approved warehouse, the producer must not later than the day following the final date of such 30-day period, or during such period of time thereafter as may be specified by CCC, submit warehouse receipts, under which the warehouseman guarantees quality and quantity to the county committee for the quantity of such wheat he elects to sell to CCC but not in excess of the number of bushels shown on Commodity Pur-

chase Form 1. In the case of wheat stored in other than approved warehouse storage, the county committee will on or after May 1, 1950, issue delivery instructions to the producer. The producer must then complete delivery within a 15-day period immediately following the date the county committee issues delivery instructions unless the county committee determines more time is needed for delivery. The quantity of wheat delivered must not be in excess of the number of bushels shown on Commodity Purchase Form 1. Wheat delivered under a purchase agreement will be purchased at the applicable settlement value for the approved point of delivery. When delivery is completed, payment will be made by a sight draft drawn on CCC by the State PMA office on the basis of Commodity Purchase Form 4. The producer shall direct on such form to whom payment of the proceeds shall be made.

Eligible wheat will be purchased on the basis of the weight, grade, protein content, and other quality factors shown on the warehouse receipts and/or accompanying documents; or, if such wheat is delivered to a CCC storage facility, on the basis of the weight, grade, protein content, and other quality factors determined by the county committee (in accordance with instructions for the determination of such factors under the loan program) and agreed to by the producer at the time of delivery.

(c) *Settlement values.* Settlement values, including track-loading payments and storage allowances, for wheat delivered to CCC under loans or purchase agreements will be set forth in Supplement 1 to this bulletin.

§ 671.120 *Removal of the wheat under loan.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the wheat and sell it, either by separate contract or after pooling it with other lots of wheat similarly held. If the wheat is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled wheat as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the wheat even though part or all of such pooled wheat is disposed of under such policies at prices less than the current domestic price for such wheat. Any sum due the producer as a result of the sale of the wheat or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 671.121 *Release of the wheat under loan.* A producer may at any time obtain release of the wheat remaining under loan by paying to the holder of the note, or note and loan agreement, the principal amount thereof, plus charges and accrued interest. If the note is held by an out-of-town lending agency or by CCC, the producer may request that the note be forwarded to a local lending agency or to the county committee for collection. All charges in connection with the collection of the note shall be paid by the producer. Upon payment of a farm-storage loan, the county committee should be requested to release the mortgage by filing an instrument of release or by a marginal release on the county records. Partial releases of the wheat prior to maturity may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the wheat to be released. In the case of warehouse-storage loans, each partial release must cover all the wheat under one warehouse receipt.

§ 671.122 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages or negotiable warehouse receipts. The purchase price to be paid by CCC will be the principal sums remaining due on such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe for all payments received on producers' notes held by them, and are required to remit to CCC an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment. Lending agencies shall submit notes and reports to the PMA commodity office serving the area.

§ 671.123 *PMA commodity offices.* The PMA commodity offices and the areas served by them are shown below:

Address and Area

Atlanta 3, Ga., 449 West Peachtree Street NE.: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

Chicago 5, Ill., 623 South Wabash Avenue: Illinois, Indiana, Iowa, Michigan, Ohio.

Dallas 2, Tex, 1114 Commerce Street: Arkansas, Louisiana, New Mexico, Oklahoma, Texas.

Kansas City 6, Mo., Postal Building, 802 Delaware Avenue: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 1, Minn., 328 McKnight Building: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

New York 4, N. Y., 67 Broad Street, Room 1304: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, West Virginia.

Portland 5, Oreg., 515 Southwest Tenth Avenue: Idaho, Oregon, Washington.

San Francisco 2, Calif., 30 Van Ness Avenue: Arizona, California, Nevada, Utah.

Issued this 30th day of June 1949.

[SEAL] ELMER F. KRUSE,
Manager,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 49-5486; Filed, July 6, 1949; 8:57 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 53—GRADING AND CERTIFICATION OF MEATS, PREPARED MEATS, AND MEAT PRODUCTS

DEFINITION OF PRODUCTS

On June 4, 1949, a notice of rule making was published in the FEDERAL REGISTER (14 F. R. 2951) regarding the proposed amendment of § 53.2 (1) of the regulations governing the grading and certification of meats, prepared meats, and meat products (7 CFR 53.2 (1)) under the Agricultural Marketing Act of 1946 (7 U. S. C. 1621–1627) and the so-called Farm Products Inspection Act consisting of the item for market inspection of farm products recurring each year in the annual appropriation act for the Department of Agriculture and currently found in the Department of Agriculture Appropriation Act, 1949 (62 Stat. 507; 7 U. S. C. Sup. 414).

After due consideration of all relevant material presented in connection with the notice, including the proposals set forth therein, the Secretary of Agriculture, pursuant to the authority vested in him by the statutory provisions above mentioned, hereby amends said § 53.2 (1) to read as follows:

§ 53.2 *Terms defined.* * * *

(1) *Products.* Meats, prepared meats, meat food products, and meat by-products prepared under Federal inspection or under other official inspection acceptable to the Administrator.

Effective date. The foregoing amendment shall be effective upon its publication in the FEDERAL REGISTER.

The amendment merely clarifies the present requirement of the regulations governing the meat grading service (7 CFR, Part 53) that any form of official meat inspection, other than Federal inspection, to render products eligible for grading service under such regulations, must be acceptable to the Administrator of the Production and Marketing Administration of the Department of Agriculture. Accordingly, it is found upon good cause under section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)), that the amendment may be made effective less than thirty days after its publication.

(60 Stat. 1087; 7 U. S. C. 1621–1627; 62 Stat. 507, 7 U. S. C. Sup. 414)

Done at Washington, D. C., this 30th day of June 1949. Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-5494; Filed, July 6, 1949; 9:00 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 725—BURLEY AND FLUE-CURED TOBACCO

PROCLAMATION OF THE NATIONAL MARKETING QUOTA FOR FLUE-CURED TOBACCO FOR THE 1950–51 MARKETING YEAR

§ 725.101 *Basis and purpose.* This document is issued to announce the reserve supply level and the total supply of flue-cured tobacco for the marketing year beginning July 1, 1949, and to establish the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1950. The Agricultural Adjustment Act of 1938, as amended, provides that whenever the Secretary finds that the total supply of tobacco, as of the beginning of the marketing year then current, exceeds the reserve supply level therefor, the Secretary shall proclaim not later than December 1, the amount of such total supply and also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed which will make available during the next marketing year a supply of tobacco equal to the reserve supply level. The findings and determinations by the Secretary are contained in § 725.102 and have been made on the basis of the latest available statistics of the Federal Government and after due consideration of data, views, and recommendations received from flue-cured tobacco producers and others, including data, views, and recommendations presented at a hearing held at Raleigh, North Carolina, June 21, 1949 (14 F. R. 3052), in accordance with the Administrative Procedure Act (60 Stat. 237). Flue-cured tobacco markets in Georgia and Florida normally open during the last week in July, and it is important that flue-cured tobacco producers know whether or not marketing quotas will apply to the 1950 crop before the opening of these markets. Further, the provisions of the Agricultural Adjustment Act of 1938, as amended, require the holding of a referendum within 30 days after the issuance of the proclamation of the national marketing quota. Accordingly, compliance with the 30-day effective date provision of the Administrative Procedure Act, is impracticable and contrary to the public interest. Therefore, the proclamation contained herein shall become effective upon the date of its publication in the FEDERAL REGISTER.

§ 725.102 *Findings and determinations with respect to the national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1950* [1]—(a) *Reserve supply level.* The reserve supply level for flue-cured tobacco is 2,607,000,000 pounds, calculated, as provided in the act, from a normal year's domestic consumption of 685,000,000 pounds and a normal year's exports of 363,000,000 pounds.

[1] Rounded to the nearest million pounds.

(b) *Total supply.* The total supply of flue-cured tobacco as of the beginning of the marketing year for such tobacco beginning July 1, 1949, is 2,620,000,000 pounds consisting of carry-over of 1,530,000,000 pounds and an estimated 1949 production of 1,090,000,000 pounds.

(c) *National marketing quota.* The amount of flue-cured tobacco which will make available during the marketing year beginning July 1, 1950, a supply of flue-cured tobacco equal to the reserve supply level of such tobacco is 1,097,000,000 pounds, and a national marketing quota of such amount is hereby proclaimed.

(52 Stat. 40, 41, 42, 43, 46; 53 Stat. 1261; 54 Stat. 392; 56 Stat. 121; 57 Stat. 387; 58 Stat. 136; 7 U. S. C. 1301 (b), 1301 (c), 1312 (a); 60 Stat. 21)

Done at Washington, D. C., this 1st day of July 1949. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-5482; Filed, July 6, 1949; 9:05 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 863.2]

PART 863—SUGARCANE; FLORIDA

WAGE RATES FOR PERSONS EMPLOYED IN SUGARCANE INDUSTRY IN FLORIDA, JULY 1, 1949–JUNE 30, 1950

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948 (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Clewiston, Florida, on May 16, 1949, the following determination is hereby issued:

§ 863.2 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1949 through June 30, 1950.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane in Florida during the period from July 1, 1949 through June 30, 1950, if the producer complies with the following:

(a) *Wage rates.* All persons employed on the farm in the production, cultivation, or harvesting of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer, but, after the date of issuance of this determination, not less than the following:

(1) *For work performed on a time basis.*

	Cents per hour
(i) All work except as otherwise specified:	
Adult males	45.0
Adult females	38.0
(ii) Tractor drivers and operators of mechanical harvesting or loading equipment	55.0
(iii) Workers between 14 and 16 years of age (maximum employment per day for such workers, without deductions from payment to the producer, is 8 hours)	38.0

(2) *For work performed on a piecework basis.* The piecework rate for any operation shall be as agreed upon between the producer and the laborer: *Provided,* That the earnings of each laborer employed on piecework during each pay period (such pay period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate prescribed in subparagraph (1) of this paragraph.

(b) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a habitable house, medical attention, garden plot, and similar items.

(c) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid by producers to persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period from July 1, 1949, through June 30, 1950, as one of the conditions for payment under the act. In this statement, the foregoing determination, as well as determinations for prior years, will be referred to as "wage determination" identified by the period for which effective.

(b) *Requirements of the act and standards employed.* In determining fair and reasonable wage rates it is required under the act that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among various sugar producing areas.

A public hearing was held in Clewiston, Florida, on May 16, 1949, at which interested persons presented testimony with respect to fair and reasonable wage rates for sugarcane work during the period July 1, 1949, through June 30, 1950. In addition, investigations have been made of conditions affecting such wage rates. Consideration has been given to the testimony presented at the hearing and to the information resulting from investigations. The primary factors which have been considered are (1) prices of sugar and by-products; (2) income from sugarcane; (3) costs of production; (4) cost of living; and (5) relationship of labor cost to total cost. Other economic influences also have been considered.

(c) *Background.* Wage determinations for sugarcane work in Florida have been issued each year since 1937. The first covered work in the harvesting of the 1937 crop while subsequent determinations covered all work applicable

to the production, cultivation, or harvesting. Until the 1945–46 crop harvesting wage determination, two wage determinations were issued each year, one covering production and cultivation for a calendar year, the other covering the harvesting of a crop. In the 1945–46 crop harvesting wage determination, production and cultivation wage rates also were included for the first six months of the calendar year 1946. Beginning July 1, 1946, a single determination has been issued each year for a 12-month period covering production, cultivation, and harvesting wages. Coincident with the issuance of a single determination, the rate differentials theretofore existing between harvest and nonharvest operations were eliminated. The rates subsequently provided have been applicable to all work on sugarcane.

The early determinations specified time rates for adult male and female workers with alternative tonnage rates for harvesting. Subsequently, rate coverage was extended to include semiskilled and skilled workers and workers between 14 and 16 years of age. Beginning with the 1946–47 wage determination, the practice of establishing specific harvesting piecework rates was discontinued. This change was made because the use of tonnage rates was discontinued by producers in favor of row rates since the latter provided greater incentive for increased output. The many variable factors involved made it impracticable to establish "per row" rates in the determination. However, provision was made for piecework rates by specifying that such rates for all classes of work were to be as agreed upon between producers and workers but subject to a minimum hourly guarantee of the workers' earnings.

In the 1946–47 wage determination the piecework minimum hourly guarantee was five cents per hour more than the basic time rates provided. In the 1947–48 wage determination this provision was eliminated and in lieu thereof it was provided that the individual earnings of not less than 90 percent of all workers employed on a piecework basis average for the time involved not less than the applicable hourly rates. In the 1948–49 wage determination the minimum hourly guarantee of the basic time rate earnings for laborers employed on piecework was extended to all such workers.

Generally, the level of rates established in the early determinations reflected the wage-income relationship prior to 1938. In the wage determinations covering the 1944–45 crop, an adjustment was made in the wage-income relationship after reappraisal of the factors influencing wage rates. Wage rates have been adjusted periodically to recognize economic changes. As a result of changes in the economic factors affecting wage rates, together with the adjustment in the wage-income relationship, the weighted average basic time rates have been increased from 17.9 cents per hour in 1938 to 45.8 cents per hour in 1948–49, an increase of 155.9 percent.

(d) *1949–50 wage determination.* The 1949–50 wage determination continues unchanged the basic wage rates and other provisions of the 1948–49 wage determination. Since the base period (1944–45), sugarcane production costs and workers' cost of living have increased substantially and only during recent months has there been an indication that such costs have ceased to increase. Because of lower sugar and molasses prices the estimated income to producers has declined from the high point reached in 1946–47, though the raw sugar price in mid-1949 is approximately 11 percent higher than in mid-1948. Available data indicate that labor productivity has also increased during recent years as the result of mechanization and the nearly uniform practice of piecework employment. During 1948–49 the earnings of persons engaged on piecework in cultivation were reported to average about 60 cents per hour and between 65 cents and $1.05 per hour for cutting sugarcane during the harvest. In addition to these earnings, workers have been furnished without charge the customary perquisites such as housing, water, garden plot, and medical attention. After considering all factors together with testimony presented at the public hearing, it is deemed fair and reasonable to continue unchanged the basic rates specified in the 1948–49 wage determination.

Among the recommendations made at the public hearing was the elimination of the minimum hourly guarantee of earnings for persons employed on piecework. As on previous occasions when such recommendation has been made it is considered that the elimination of this provision would exclude the vast majority of sugarcane workers in Florida from the fair and reasonable wage provisions of the Act. Investigation reveals that in most instances producers and workers use the basic time rates as guides in determining piecework rates, thereby developing an important inter-dependence between the two methods of payment.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948.

(Secs. 301, 403, 61 Stat. 929, 932; 7 U. S. C. Sup. 1131, 1153)

Issued this 1st day of July 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-5484; Filed, July 6, 1949; 8:57 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 12]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.358 *Plum Order 12*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Diamond plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 8, 1949. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop and adequate information thereon was not available to the Plum Commodity Committee until June 28, 1949; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 28, 1949, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 8, 1949, and this section should be applicable to all shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 8, 1949, and ending at 12:01 a. m., P. s. t., October 1, 1949, no shipper shall ship any package or container of Diamond plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) Such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket. The aforesaid 5 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1 9/16 inches in diameter; (ii) at least sixty (60) percent, by count, of the plums contained in such pack measure not less than 1 7/16 inches in di-

ameter; and (iii) no plums contained in such pack measure less than 1 5/16 inches in diameter.

(3) Each shipper, prior to making each shipment of Diamond plums, shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee Federal-State shipping point inspection certificates stating the grades and sizes of the Diamond plums contained in each such shipment: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as is given to the respective term in said amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of § 828.1 of the Agricultural Code of California.

(48 Stat. 31, as amended, 7 U. S. C. and Sup. I 601 et seq.; 7 CFR Part 936, 14 F. R. 2684)

Done at Washington, D. C., this 1st day of July 1949.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-5493; Filed, July 6, 1949; 9:00 a. m.]

[Plum Order 13]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.359 *Plum Order 13*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Late Santa Rosa plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 8, 1949. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop and adequate information thereon was not available to the Plum Commodity Committee until June 28, 1949; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 28, 1949, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 8, 1949, and this section should be applicable to all shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 8, 1949, and ending at 12:01 a. m., P. s. t., Novmber 1, 1949, no shipper shall ship any package or container of Late Santa Rosa plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket. The aforesaid 4 x 5 standard pack is defined more specifically in subparagraph (2) of this paragraph.

(2) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1 11/16 inches in diameter; (ii) at least sixty (60) percent, by count, of the plums contained in such pack measure not less than 1 9/16 inches in diameter; and (iii) no plums contained in such pack measure less than 1 7/16 inches in diameter.

(3) Each shipper, prior to making each shipment of Late Santa Rosa plums, shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee Federal-State shipping point inspection certificates stating the grades and sizes of the Late Santa Rosa plums contained in each such shipment: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(4) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as is given to the respective term in said amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of § 828.1 of the Agricultural Code of California.

(48 Stat. 31, as amended, 7 U. S. C. and Sup. I 601 et seq.; 7 CFR Part 936, 14 F. R. 2684)

Done at Washington, D. C., this 1st day of July 1949.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-5492; Filed, July 6, 1949; 9:00 a. m.]

[Plum Order 14]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.360 *Plum Order 14*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Sugar plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 8, 1949. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop and adequate information thereon was not available to the Plum Commodity Committee until June 28, 1949; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 28, 1949, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 8, 1949, and this section should be applicable to all shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 8, 1949, and ending at 12:01 a. m., P. s. t., November 1, 1949, no shipper shall ship from any shipping point during any day any package or container of Sugar plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) At least seventy-five (75) percent, by number of packages, of such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket and the remainder of such plums are of a size not smaller than a size that will pack a 5 x 6 standard pack in a standard basket: *Provided,* That, if such shipper, during any two (2) consecutive days, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped only during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack such 5 x 5 standard pack that such shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days. The aforesaid 5 x 5 standard pack and 5 x 6 standard pack are defined more specifically in subparagraphs (2) and (3), respectively, of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; (ii) at least sixty (60) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{5}/_{16}$ inches in diameter.

(3) As used in this section, the aforesaid 5 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{7}/_{16}$ inches in diameter; (ii) at least sixty (60) percent, by count, of the plums contained in such pack measure not less than $1^{5}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{3}/_{16}$ inches in diameter.

(4) Each shipper, prior to making each shipment of Sugar plums, shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee Federal-State shipping point inspection certificates stating the grades and sizes of the Sugar plums contained in each such shipment: *Provided,* That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(5) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as is given to the respective term in said amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of § 828.1 of the Agricultural Code of California.

(48 Stat. 31, as amended, 7 U. S. C. and Sup. I 601 et seq.; 7 CFR Part 936, 14 F. R. 2684)

Done at Washington, D. C., this 1st day of July 1949.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-5491; Filed, July 6, 1949; 8:59 a. m.]

[Plum Order 15]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.361 *Plum Order 15*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Becky Smith plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circum-

stances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 8, 1949. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop and adequate information thereon was not available to the Plum Commodity Committee until June 28, 1949; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 28, 1949, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 8, 1949, and this section should be applicable to all shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 8, 1949, and ending at 12:01 a. m., P. s. t., November 1, 1949, no shipper shall ship from any shipping point during any day any package or container of Becky Smith plums unless:

(i) Such plums grade at least U. S. No. 1; and

(ii) At least eighty (80) percent, by number of packages, of such plums are of a size not smaller than a size that will pack a 4 x 4 standard pack in a standard basket and the remainder of such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack in a standard basket: *Provided*, That, if such shipper, during any two (2) consecutive days, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped only during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack such 4 x 4 standard pack that such shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days. The aforesaid 4 x 4 standard pack and 4 x 5 standard pack are defined more specifically in subparagraphs (2) and (3), respectively, of this paragraph.

(2) As used in this section, the aforesaid 4 x 4 standard pack is defined more specifically as follows: (i) at least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{13}/_{16}$ inches in diameter; (ii) at least sixty (60) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{9}/_{16}$ inches in diameter.

(3) As used in this section, the aforesaid 4 x 5 standard pack is defined more specifically as follows: (i) at least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than $1^{11}/_{16}$ inches in diameter; (ii) at least sixty (60) percent, by count, of the plums contained in such pack measure not less than $1^{9}/_{16}$ inches in diameter; and (iii) no plums contained in such pack measure less than $1^{7}/_{16}$ inches in diameter.

(4) Each shipper, prior to making each shipment of Becky Smith plums, shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee Federal-State shipping point inspection certificates stating the grades and sizes of the Becky Smith plums contained in each such shipment: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time; the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(5) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as is given to the respective term in said amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of § 828.1 of the Agricultural Code of California.

(48 Stat. 31, as amended, 7 U. S. C. and Sup. I 601 et. seq.; 7 CFR Part 936, 14 F. R. 2684)

Done at Washington, D. C., this 1st day of July 1949.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-5490; Filed, July 6, 1949; 8:59 a. m.]

[Plum Order 16]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADE AND SIZES

§ 936.362 *Plum Order 16*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936; 14 F. R. 2684), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Late Tragedy plums, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 8, 1949. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop and adequate information thereon was not available to the Plum Commodity Committee until June 28, 1949; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 28 ,1949, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 8, 1949, and this section should be applicable to all shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 8, 1949, and ending at 12:01 a. m., P. s t., November 1, 1949, no shipper shall ship from any shipping point during any day any package or container of Late Tragedy plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of twenty-five (25) percent for defects not considered

serious damage in addition to the tolerances permitted for such grades; and

(ii) At least twenty (20) percent, by number of packages, of such plums are of a size not smaller than a size that will pack a 5 x 5 standard pack in a standard basket and the remainder of such plums are of a size not smaller than a size that will pack a 5 x 6 standard pack in a standard basket: *Provided*, That, if such shipper, during any two (2) consecutive days, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 5 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped only during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack such 5 x 5 standard pack that such shipper could have shipped on such succeeding calendar day if there had been no undershipment during the two (2) preceding days. The aforesaid 5 x 5 standard pack and 5 x 6 standard pack are defined more specifically in subparagraphs (2) and (3), respectively, of this paragraph.

(2) As used in this section, the aforesaid 5 x 5 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1 9/16 inches in diameter; (ii) at least sixty (60) percent, by count, of the plums contained in such pack measure not less than 1 7/16 inches in diameter; and (iii) no plums contained in such pack measure less than 1 5/16 inches in diameter.

(3) As used in this section, the aforesaid 5 x 6 standard pack is defined more specifically as follows: (i) At least thirty-five (35) percent, by count, of the plums contained in such pack measure not less than 1 7/16 inches in diameter; (ii) at least sixty (60) percent, by count, of the plums contained in such pack measure not less than 1 5/16 inches in diameter; and (iii) no plums contained in such pack measure less than 1 3/16 inches in diameter.

(4) Each shipper, prior to making each shipment of Late Tragedy plums, shall, during the period set forth in subparagraph (1) of this paragraph, have the plums included in each such shipment inspected by a duly authorized representative of the Federal-State Inspection Service, heretofore designated by the Plum Commodity Committee and hereby approved; and each such shipper shall submit promptly, or cause to be submitted promptly, to the Plum Commodity Committee Federal-State shipping point inspection certificates stating the grades and sizes of the Late Tragedy plums contained in each such shipment: *Provided*, That, in case the following conditions exist in connection with any such shipment:

(i) A written request for inspection is made to the Federal-State Inspection Service not later than 5:00 p. m. of the day before the fruit will be available for inspection;

(ii) The shipper designates in such request the date and hours when the fruit will be available for inspection; and

(iii) The Federal-State Inspection Service furnishes the shipper with a signed statement that it is not practicable, under such conditions, for the Federal-State Inspection Service to make the inspection within the necessary time;

the shipper, by submitting or causing to be submitted promptly such signed statement to the Plum Commodity Committee, may make the particular shipment without inspection, but such shipper shall comply with all grade and size regulations applicable to such shipment.

(5) Terms used in the amended marketing agreement and order shall, when used in this section, have the same meaning as is given to the respective term in said amended marketing agreement and order; the terms "U. S. No. 1," "standard pack," "serious damage," and "diameter" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), 7 CFR 51.360; and the term "standard basket" shall have the same meaning as set forth in paragraph numbered 1 of § 828.1 of the Agricultural Code of California.

(48 Stat. 31, as amended, 7 U. S. C. and Sup. I 601 et seq.; 7 CFR Part 936, 14 F. R. 2684)

Done at Washington, D. C., this 1st day of July 1949.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 49-5489; Filed, July 6, 1949; 8:59 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

RESERVES MAINTAINED BY MEMBER BANKS WITH FEDERAL RESERVE BANKS

1. Effective as to member banks not in reserve and central reserve cities at the opening of business on July 1, 1949, and as to member banks in reserve and central reserve cities at the opening of business on June 30, 1949, § 204.5 (Supplement to Regulation D) is amended to read as follows:

§ 204.5 *Supplement—Reserves required to be maintained by member banks with Federal Reserve Banks.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2 (a), the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

6 percent of its time deposits plus—

14 percent of its net demand deposits if not in a reserve or central reserve city;

20 percent of its net demand deposits if in a reserve city, except as to any bank located in an outlying district of a reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain 14 percent reserves against its net demand deposits;

24 percent of its net demand deposits if located in a central reserve city, except as to any bank located in an outlying district of a central reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain 14 percent or 20 percent reserves against its net demand deposits.

2. This amendment is issued pursuant to the authority granted to the Board of Governors by section 19 of the Federal Reserve Act in the light of existing economic conditions and the present credit situation. The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the prior publication described in section 4 (c) of such act, are impracticable, unnecessary and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of the Board's rules of procedure (Part 262), and especially because such notice, procedure and prior publication would prevent the action from becoming effective as promptly as necessary, and would serve no useful purpose.

(Sec. 11 (c), (e), (i), 38 Stat. 262, sec. 10, 40 Stat. 239, sec. 4, 970, sec. 207, 49 Stat. 708, sec. 324, 714, sec. 2, 56 Stat. 648; 12 U. S. C. 248 (c), (e), (i), 462, 466, 12 U. S. C., Sup. 462b, 461, 462a1, 465)

Approved this 29th day of June 1949.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 49-5471; Filed, July 6, 1949; 9:04 a. m.]

PART 222—CONSUMER INSTALMENT CREDIT

EXPORATION OF PART

In accordance with Public Law 905, 80th Congress, approved August 16, 1948, this part will not be effective after June 30, 1949.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Assistant Secretary.

[F. R. Doc. 49-5436; Filed, July 6, 1949; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 4a-2]

PART 4a—AIRPLANE AIRWORTHINESS

TEMPERATURE ACCOUNTABILITY FOR TAKE-OFF LIMITATIONS FOR TRANSPORT CATEGORY AIRPLANES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of June 1949.

Special Civil Air Regulation No. 397, as adopted by the Board on August 21, 1947, established certain values, for various types of transport category airplanes, to be used to compensate more properly for the effect of temperature variations on airplane performance. Due to the introduction of new types of airplanes since the adoption of the regulation, and more recent engineering data on some types for which values had already been established, it was proposed to amend the rule establishing appropriate specific values for each of the current types of transport category airplanes operated by the air carriers. Accordingly, an appropriate notice of proposed rule making was published in the FEDERAL REGISTER on March 30, 1949 (14 F. R. 1411).

Comments received as a result of this publication indicated that considerable thought and inquiry has been devoted to the general problem of temperature effect on airplane performance, and that the admittedly simplified form of the proposed rule giving specific values to be used for a single basic model might not reflect accurately the maximum take-off weight or runway length necessary for safe operation for some variations of the basic type of airplane currently being manufactured or used by the air carriers. For this reason, the Board believes that it is desirable to revert to the general practice of promulgating regulations which establish a standard of safety, allowing their implementation in individual cases by the industry and the Administration. The Board, therefore, is adopting amendments to the various parts of the Civil Air Regulations which incorporate the formula used in establishing the current specific values set forth in Special Civil Air Regulation No. 397. The amendments require the entry of the appropriate values for each airplane in the Airplane Flight Manual, and provide that all transport category airplanes shall be operated in accordance with the values so entered.

The question of appropriate regulatory requirements for temperature effect on airplane performance will continue to be studied. Further consideration will be given to these regulations in the light of possible international developments.

It is our opinion that the notice of proposed rule making referred to herein adequately advised the public of the issues involved, and since the amendments herein adopted reflect the comment thus received, no further rule-making procedures are required.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 4a (14 CFR, Part 4a, as amended) effective August 1, 1949:

By adding a new § 4a.75322–T to read as follows:

§ 4a.75322–T *Temperature accountability.* Operating correction factors for take-off weight and take-off distance shall be determined to account for temperatures above and below standard, and when approved by the Administrator shall be included in the Airplane Flight Manual. These factors shall be obtained as set forth in paragraphs (a) and (b) of this section.

(a) For any specific airplane type, the average full temperature accountability shall be computed for the range of weights of the airplane, altitudes above sea level, and ambient temperatures required by the expected operating conditions. Account shall be taken of the temperature effect on both the aerodynamic characteristics of the airplane and on the engine power. The full temperature accountability shall be expressed per degree of temperature in terms of a weight correction, a take-off distance correction, and a change, if any, in the critical engine failure speed, V_1.

(b) The operating correction factors for the airplane weight and take-off distance shall be at least one-half of the full accountability values. The value of V_1 shall be further corrected by the average amount necessary to assure that the airplane can stop within the runway length at the ambient temperature; except that the corrected value of V_1 shall not be less than a minimum at which the airplane can be controlled with the critical engine inoperative. (Secs. 205 (a), 601, 603, 52 Stat. 984, 1007, 1009, 62 Stat. 1216; 49 U. S. C. 425 (a), 551, 553, Pub. Law 872, 80th Cong. 1st Sess.)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 49–5453; Filed, July 6, 1949; 8:49 a. m.]

[Civil Air Regs., Amdt. 4b–12]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

TEMPERATURE ACCOUNTABILITY FOR TAKE-OFF LIMITATIONS FOR TRANSPORT CATEGORY AIRPLANES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of June 1949.

Special Civil Air Regulation No. 397, as adopted by the Board on August 21, 1947, established certain values, for various types of transport category airplanes, to be used to compensate more properly for the effect of temperature variations on airplane performance. Due to the introduction of new types of airplanes since the adoption of the regulation, and more recent engineering data on some types for which values had already been established, it was proposed to amend the rule establishing appropriate specific values for each of the current types of transport category airplanes operated by the air carriers. Accordingly, an appropriate notice of proposed rule making was published in the FEDERAL REGISTER on March 30, 1949 (14 F. R. 1411).

Comments received as a result of this publication indicated that considerable thought and inquiry has been devoted to the general problem of temperature effect on airplane performance, and that the admittedly simplified form of the proposed rule giving specific values to be used for a single basic model might not reflect accurately the maximum take-off weight or runway length necessary for safe operation for some variations of the basic type of airplane currently being manufactured or used by the air carriers. For this reason, the Board believes that it is desirable to revert to the general practice of promulgating regulations which establish a standard of safety, allowing their implementation in individual cases by the industry and the Administration. The Board, therefore, is adopting amendments to the various parts of the Civil Air Regulations which incorporate the formula used in establishing the current specific values set forth in Special Civil Air Regulation No. 397. The amendments require the entry of the appropriate values for each airplane in the Airplane Flight Manual, and provide that all transport category airplanes shall be operated in accordance with the values so entered.

The question of appropriate regulatory requirements for temperature effect on airplane performance will continue to be studied. Further consideration will be given to these regulations in the light of possible international developments.

It is our opinion that the notice of proposed rule making referred to herein adequately advised the public of the issues involved, and since the amendments herein adopted reflect the comment thus received, no further rule-making procedures are required.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 4b (14 CFR, Part 4b, as amended) effective August 1, 1949:

By adding a new § 4b.1223 to read as follows:

§ 4b.1223 *Temperature accountability.* Operating correction factors for take-off weight and take-off distance shall be determined to account for temperatures above and below standard, and when approved by the Administrator shall be included in the Airplane Flight Manual. These factors shall be obtained as set forth in paragraphs (a) and (b) of this section.

(a) For any specific airplane type, the average full temperature accountability shall be computed for the range of weights of the airplane, altitudes above sea level, and ambient temperatures required by the expected operating conditions. Account shall be taken of the temperature effect on both the aerodynamic characteristics of the airplane and on the engine power. The full temperature accountability shall be expressed per degree of temperature in terms of a weight correction, a take-off distance correction, and a change, if any, in the critical engine failure speed, V_1.

(b) The operating correction factors for the airplane weight and take-off distance shall be at least one-half of the full accountability values. The value of V_1 shall not be further corrected by the average amount necessary to assure that the airplane can stop within the runway length at the ambient temperature; except that the corrected value of V_1 shall not be less than a minimum at which the airplane can be controlled with the critical engine inoperative. (Secs. 205 (a),

601, 603, 52 Stat. 984, 1007, 1009, 62 Stat. 1216; 49 U. S. C. 425 (a), 551, 553, Pub. Law 872, 80th Cong, 1st Sess.)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 49-5454; Filed, July 6, 1949; 8:50 a. m.]

[Civil Air Regs., Amdt. 41-4]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

TEMPERATURE ACCOUNTABILITY FOR TAKE-OFF LIMITATIONS FOR TRANSPORT CATEGORY AIRPLANES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of June 1949.

Special Civil Air Regulation No. 397, as adopted by the Board on August 21, 1947, established certain values, for various types of transport category airplanes, to be used to compensate more properly for the effect of temperature variations on airplane performance. Due to the introduction of new types of airplanes since the adoption of the regulation, and more recent engineering data on some types for which values had already been established, it was proposed to amend the rule establishing appropriate specific values for each of the current types of transport category airplanes operated by the air carriers. Accordingly, an appropriate notice of proposed rule making was published in the FEDERAL REGISTER on March 30, 1949 (14 F. R. 1411).

Comments received as a result of this publication indicated that considerable thought and inquiry has been devoted to the general problem of temperature effect on airplane performance, and that the admittedly simplified form of the proposed rule giving specific values to be used for a single basic model might not reflect accurately the maximum take-off weight or runway length necessary for safe operation for some variations of the basic type of airplane currently being manufactured or used by the air carriers. For this reason, the Board believes that it is desirable to revert to the general practice of promulgating regulations which establish a standard of safety, allowing their implementation in individual cases by the industry and the Administration. The Board, therefore, is adopting amendments to the various parts of the Civil Air Regulations which incorporate the formula used in establishing the current specific values set forth in Special Civil Air Regulation No. 397. The amendments require the entry of the appropriate values for each airplane in the Airplane Flight Manual, and provide that all transport category airplanes shall be operated in accordance with the values so entered.

The question of appropriate regulatory requirements for temperature effect on airplane performance will continue to be studied. Further consideration will be given to these regulations in the light of possible international developments.

It is our opinion that the notice of proposed rule making referred to herein adequately advised the public of the issues involved, and since the amendments herein adopted reflect the comment thus received, no further rule-making procedures are required.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 41 (14 CFR, Part 41, as amended) effective August 1, 1949:

By adding a new § 41.270 (d) to read as follows:

(d) No airplane shall be taken off at a weight which exceeds the allowable weight for the runway being used as determined in accordance with the take-off runway limitations of the transport category operating rules, after taking into account the temperature operating correction factors required by §§ 4a.75322–T or 4b.1223, and set forth in the Airplane Flight Manual for the airplane.

(Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C. 425 (a), 551, 554)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 49-5455; Filed, July 6, 1949; 8:50 a. m.]

[Civil Air Regs., Amdt. 42-1]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

TEMPERATURE ACCOUNTABILITY FOR TAKE-OFF LIMITATIONS FOR TRANSPORT CATEGORY AIRPLANES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of June 1949.

Special Civil Air Regulation No. 397, as adopted by the Board on August 21, 1947, established certain values, for various types of transport category airplanes, to be used to compensate more properly for the effect of temperature variations on airplane performance. Due to the introduction of new types of airplanes since the adoption of the regulation, and more recent engineering data on some types for which values had already been established, it was proposed to amend the rule establishing appropriate specific values for each of the current types of transport category airplanes operated by the air carriers. Accordingly, an appropriate notice of proposed rule making was published in the FEDERAL REGISTER on March 30, 1949 (14 F. R. 1411).

Comments received as a result of this publication indicated that considerable thought and inquiry has been devoted to the general problem of temperature effect on airplane performance, and that the admittedly simplified form of the proposed rule giving specific values to be used for a single basic model might not reflect accurately the maximum take-off weight or runway length necessary for safe operation for some variations of the basic type of airplane currently being manufactured or used by the air carriers. For this reason, the Board believes that it is desirable to revert to the general practice of promulgating regulations which establish a standard of safety, allowing their implementation in individual cases by the industry and the Administration. The Board, therefore, is adopting amendments to the various parts of the Civil Air Regulations which incorporate the formula used in establishing the current specific values set forth in Special Civil Air Regulation No. 397. The amendments require the entry of the appropriate values for each airplane in the Airplane Flight Manual, and provide that all transport category airplanes shall be operated in accordance with the values so entered.

The question of appropriate regulatory requirements for temperature effect on airplane performance will continue to be studied. Further consideration will be given to these regulations in the light of possible international developments.

It will be noted that temperature accountability regulations are being made applicable for the first time to irregular air carriers operating transport category airplanes. This is consistent with the Board's announced policy of requiring such air carriers to meet wherever possible safety standards equivalent to those required of scheduled air carriers.

It is our opinion that the notice of proposed rule making referred to herein adequately advised the public of the issues involved, and since the amendments herein adopted reflect the comment thus received, no further rule-making procedures are required.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 42 (14 CFR, Part 42, as amended) effective August 1, 1949:

By adding a new § 42.70 (c) to read as follows:

(c) No airplane shall be taken off at a weight which exceeds the allowable weight for the runway being used as determined in accordance with the take-off runway limitations of the transport category operating rules, after taking into account the temperature operating correction factors required by §§ 4a.75322–T or 4b.1223, and set forth in the Airplane Flight Manual for the airplane.

(Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C., 425 (a), 551, 554)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Acting Secretary.*

[F. R. Doc. 49-5451; Filed, July 6, 1949; 8:49 a. m.]

[Civil Air Regs., Amdt. 61-5]

PART 61—SCHEDULED AIR CARRIER RULES

TEMPERATURE ACCOUNTABILITY FOR TAKE-OFF LIMITATIONS FOR TRANSPORT CATEGORY AIRPLANES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 29th day of June 1949.

Special Civil Air Regulation No. 397, as adopted by the Board on August 21, 1947, established certain values, for various types of transport category airplanes, to be used to compensate more properly for the effect of temperature variations on airplane performance. Due to the introduction of new types of airplanes since the adoption of the regulation, and more recent engineering data on some types for which values had already been established, it was proposed to amend the rule establishing appropriate specific values for each of the current types of transport category airplanes operated by the air carriers. Accordingly, an appropriate notice of proposed rule making was published in the FEDERAL REGISTER on March 30, 1949 (14 F. R. 1411).

Comments received as a result of this publication indicated that considerable thought and inquiry has been devoted to the general problem of temperature effect on airplane performance, and that the admittedly simplified form of the proposed rule giving specific values to be used for a single basic model might not reflect accurately the maximum take-off weight or runway length necessary for safe operation for some variations of the basic type of airplane currently being manufactured or used by the air carriers. For this reason, the Board believes that it is desirable to revert to the general practice of promulgating regulations which establish a standard of safety, allowing their implementation in individual cases by the industry and the Administration. The Board, therefore, is adopting amendments to the various parts of the Civil Air Regulations which incorporate the formula used in establishing the current specific values set forth in Special Civil Air Regulation No. 397. The amendments require the entry of the appropriate values for each airplane in the Airplane Flight Manual, and provide that all transport category airplanes shall be operated in accordance with the values so entered.

The question of appropriate regulatory requirements for temperature effect on airplane performance will continue to be studied. Further consideration will be given to these regulations in the light of possible international developments.

It is our opinion that the notice of proposed rule making referred to herein adequately advised the public of the issues involved, and since the amendments herein adopted reflect the comment thus received, no further rule-making procedures are required.

In consideration of the foregoing the Civil Aeronautics Board hereby rescinds Special Civil Air Regulation No. 397, and amends Part 61 (14 CFR, Part 61, as amended) effective August 1, 1949:

By adding a new § 61.7121 (d) to read as follows:

(d) No airplane shall be taken off at a weight which exceeds the allowable weight for the runway being used as determined in accordance with the take-off runway limitations of the transport category operating rules, after taking into account the temperature operating correction factors required by §§ 4a.75322–T or 4b.1223, and set forth in the Airplane Flight Manual for the airplane.

(Secs. 205 (a), 601, 604, 52 Stat. 984, 1007, 1010; 49 U. S. C., 425 (a), 551, 554)

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 49-5452; Filed, July 6, 1949; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 124]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

LUXURY ACCOMMODATIONS

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respect:

A new subdivision (viii) is added to § 825.1 (b) (2) to read as follows:

(viii) *Luxury accommodations.* Luxury housing accommodations as to which a decontrol order has been issued by the Expediter. On petition of the landlord, filed on the Expediter's Form D–118 in accordance with the instructions thereon, the Expediter shall decontrol any luxury housing accommodations if in his judgment such action will result in the creation of additional self-contained family rental units by conversion of such luxury accommodations. Such decontrol order shall be effective no earlier than 30 days after the date of its issuance and may contain such conditions as the Expediter may deem appropriate to effectuate the purposes of this subdivision (viii).

For purposes of this subdivision (viii):

The term "luxury housing accommodations" means unfurnished housing accommodations, located in a multi-unit structure, rented for use by no more than a single family and having a maximum rent in excess of $290 per month or such lower rental figure as the area rent director may determine to be representative of rentals for luxury housing accommodations in his defense-rental area or portion thereof.

The terms "self-contained family unit" and "conversion" shall have the same meaning as in paragraph (b) (2) (vi) of this section.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective July 11, 1949.

Issued this 1st day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-5472; Filed, July 6, 1949; 8:51 a. m.]

[1] 13 F. R. 5706, 5788, 5789, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8218, 8327, 8386; 14 F. R. 17, 93, 143, 271, 337, 456, 627, 682, 695, 856, 918, 979, 1005, 1083, 1345, 1394, 1519, 1570, 1571, 1587, 1666, 1667, 1733, 1760, 1823, 1868, 1932, 2059, 2060, 2084, 2176, 2233, 2412, 2441, 2545, 2605, 2607, 2608, 2695, 2746, 2761, 2796, 2897, 3079, 3120, 3152, 3200, 3234, 3280, 3311, 3353, 3399, 3451, 3467, 3494, 3556.

[Controlled Housing Rent Reg., New York City Defense-Rental Area,[1] Amdt. 20]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

LUXURY ACCOMMODATIONS

The Controlled Housing Rent Regulation for New York City Defense-Rental Area (§§ 825.21 to 825.32) is amended in the following respect:

A new subdivision (viii) is added to § 825.21 (b) (2) to read as follows:

(viii) *Luxury accommodations.* Luxury housing accommodations as to which a decontrol order has been issued by the Expediter. On petition of the landlord, filed on the Expediter's Form D–118 in accordance with the instructions thereon, the Expediter shall decontrol any luxury housing accommodations if in his judgment such action will result in the creation of additional self-contained family rental units by conversion of such luxury accommodations. Such decontrol order shall be effective no earlier than 30 days after the date of its issuance and may contain such conditions as the Expediter may deem appropriate to effectuate the purposes of this subdivision (viii).

For purposes of this subdivision (viii):

The term "luxury housing accommodations" means unfurnished housing accommodations, located in a multi-unit structure, rented for use by no more than a single family and having a maximum rent in excess of $290 per month or such lower rental figure as the Area Rent Director may determine to be representative of rentals for luxury housing accommodations in his defense-rental area or any portion thereof.

The terms "self-contained family unit" and "conversion" shall have the same meaning as in paragraph (b) (2) (vi) of this section.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective July 11, 1949.

Issued this first day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-5474; Filed, July 6, 1949; 8:51 a. m.]

[Controlled Housing Rent Reg., Miami Defense-Rental Area,[2] Amdt. 24]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

LUXURY ACCOMMODATIONS

The Controlled Housing Rent Regulation for Miami Defense-Rental Area (§§ 825.41 to 825.52) is amended in the following respect:

A new subdivision (viii) is added to § 825.41 (b) (2) to read as follows:

[1] 13 F. R. 5727, 8388; 14 F. R. 18, 93, 144, 1395, 1574, 1868, 2060, 2234, 2607, 3399, 3468.

[2] 13 F. R. 5735, 6246, 8389; 14 F. R. 20, 93, 145, 978, 1395, 1588, 1868, 2061, 2235, 2607, 2716, 3183, 3400, 3408.

(viii) *Luxury accommodations.* Luxury housing accommodations as to which a decontrol order has been issued by the Expediter. On petition of the landlord, filed on the Expediter's Form D–118 in accordance with the instructions thereon, the Expediter shall decontrol any luxury housing accommodations if in his judgment such action will result in the creation of additional self-contained family rental units by conversion of such luxury accommodations. Such decontrol order shall be effective no earlier than 30 days after the date of its issuance and may contain such conditions as the Expediter may deem appropriate to effectuate the purposes of this subdivision (viii).

For purposes of this subdivision (viii):

The term "luxury housing accommodations" means unfurnished housing accommodations, located in a multi-unit structure, rented for use by no more than a single family and having a maximum rent in excess of $290 per month or such lower rental figure as the area rent director may determine to be representative of rentals for luxury housing accommodations in his defense-rental area or any portion thereof.

The terms "self-contained family unit" and "conversion" shall have the same meaning as in paragraph (b) (2) (vi) of this section.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective July 11, 1949.

Issued this first day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49–5477; Filed, July 6, 1949; 8:52 a. m.]

[Controlled Housing Rent Reg. Atlantic County Defense-Rental Area,[1] Amdt. 20]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

LUXURY ACCOMMODATIONS

The Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area (§§ 825.61 to 825.72) is amended in the following respect:

A new subdivision (viii) is added to § 825.61 (b) (2) to read as follows:

(viii) *Luxury accommodations.* Luxury housing accommodations as to which a decontrol order has been issued by the Expediter. On petition of the landlord, filed on the Expediter's Form D-118 in accordance with the instructions thereon, the Expediter shall decontrol any luxury housing accommodations if in his judgment such action will result in the creation of additional self-contained family rental units by conversion of such luxury accommodations. Such decontrol order shall be effective no earlier than 30 days after the date of its issuance and may contain such conditions as the Expediter may deem appropriate to effectuate the purposes of this subdivision (viii).

For purposes of this subdivision (viii):

The term "luxury housing accommodations" means unfurnished housing accommodations, located in a multi-unit structure, rented for use by no more than a single family and having a maximum rent in excess of $290 per month or such lower rental figure as the area rent director may determine to be representative of rentals for luxury housing accommodations in his defense-rental area or any portion thereof.

The terms "self-contained family unit" and "conversion" shall have the same meaning as in paragraph (b) (2) (vi) of this section.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective July 11, 1949.

Issued this first day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49–5476; Filed, July 6, 1949; 8:52 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,[1] Amdt. 119]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

LUXURY ACCOMMODATIONS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.81 to 825.92) is amended in the following respect:

A new subdivision (ix) is added to § 825.81 (b) (2) to read as follows:

(ix) *Luxury accommodations.* Luxury housing accommodations as to which a decontrol order has been issued by the Expediter. On petition of the landlord, filed on the Expediter's Form D–118 in accordance with the instructions thereon, the Expediter shall decontrol any luxury housing accommodations if in his judgment such action will result in the creation of additional self-contained family rental units by conversion of such luxury accommodations. Such decontrol order shall be effective no earlier than 30 days after the date of its issuance and may contain such conditions as the Expediter may deem appropriate to effectuate the purposes of this subdivision (ix).

For purposes of this subdivision (ix):

The term "luxury housing accommodations" means unfurnished housing accommodations, located in a multi-unit structure, rented for use by no more than a single family and having a maximum rent in excess of $290 per month or such lower rental figure as the area rent director may determine to be representative of rentals for luxury housing accommodations in his defense-rental area or any portion thereof.

The terms "self-contained family unit" and "conversion" shall have the same meaning as in paragraph (b) (2) (vii) of this section.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective July 11, 1949.

Issued this first day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49–5478; Filed, July 6, 1949; 8:52 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments New York City Defense-Rental Area Rent Reg.,[1] Amdt. 17]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

LUXURY ACCOMMODATIONS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in New York City Defense-Rental Area (§§ 825.101 to 825.112) is amended in the following respect:

A new subdivision (ix) is added to § 825.101 (b) (2) to read as follows:

(ix) *Luxury accommodations.* Luxury housing accommodations as to which a decontrol order has been issued by the Expediter. On petition of the landlord, filed on the Expediter's Form D–118 in accordance with the instructions thereon, the Expediter shall decontrol any luxury housing accommodations if in his judgment such action will result in the creation of additional self-contained family rental units by conversion of such luxury accommodations. Such decontrol order shall be effective no earlier than 30 days after the date of its issuance and may contain such conditions as the Expediter may deem appropriate to effectuate the purposes of this subdivision (ix).

For purposes of this subdivision (ix):

The term "luxury housing accommodations" means unfurnished housing accommodations, located in a multi-unit structure, rented for use by no more than a single family and having a maximum rent in excess of $290 per month or such lower rental figure as the Area Rent Director may determine to be representative of rentals for luxury housing accommodations in his defense-rental area or any portion thereof.

The terms "self-contained family unit" and "conversion" shall have the same meaning as in paragraph (b) (2) (vii) of this section.

[1] 13 F. R. 5743, 8390; 14 F. R. 19, 94, 145, 1395, 1577, 1868, 2061, 2175, 2235, 2607, 3400, 3463.

[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 7299, 7672, 7801, 7862, 8218, 8219, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587, 1669, 1670, 1734, 1759, 1869, 1932, 2061, 2062, 2085, 2176, 2237, 2413, 2440, 2441, 2545, 2607, 2608, 2695, 2746, 2761, 2796, 3079, 3121, 3153, 3201, 3234, 3280, 3311, 3353, 3400, 3451, 3468, 3494, 3555.

[1] 13 F. R. 5770, 8391; 14 F. R. 19, 1580, 1869, 2062, 2238, 2608, 3401, 3469.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective July 11, 1949.

Issued this first day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-5473; Filed, July 6, 1949; 8:51 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments—Miami Defense-Rental Area Rent Reg.,[1] Amdt. 20]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

LUXURY ACCOMMODATIONS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area (§§ 825.121 to 825.132) is amended in the following respect:

A new subparagraph (ix) is added to § 825.121 (b) (2) to read as follows:

(ix) *Luxury accommodations.* Luxury housing accommodations as to which a decontrol order has been issued by the Expediter. On petition of the landlord, filed on the Expediter's Form D-118 in accordance with instructions thereon, the Expediter shall decontrol any luxury housing accommodations if in his judgment such action will result in the creation of additional self-contained family rental units by conversion of such luxury accommodations. Such decontrol order shall be effective no earlier than 30 days after the date of its issuance and may contain such conditions as the Expediter may deem appropriate to effectuate the purposes of this subdivision (ix).

For purposes of this subdivision (ix):

The term "luxury housing accommodations" means unfurnished housing accommodations, located in a multi-unit structure, rented for use by no more than a single family and having a maximum rent in excess of $290 per month or such lower rental figure as the area rent director may determine to be representative of rentals for luxury housing accommodations in his defense-rental area or any portion thereof.

The terms "self-contained family unit" and "conversion" shall have the same meaning as in paragraph (b) (2) (vii) of this section.

(Sec. 204 (d), 61 Stat. 197, as amended by 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d))

This amendment shall become effective July 11, 1949.

Issued this first day of July 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-5475; Filed, July 6, 1949; 8:52 a. m.]

[1] 13 F. R. 5777, 8392; 14 F. R. 20, 978, 1584, 1869, 2062, 2239, 2608, 2715, 3183, 3401, 3469.

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

PART 13—ADMISSION, GUIDE, ELEVATOR, AND AUTOMOBILE FEES

PART 20—SPECIAL REGULATIONS

MISCELLANEOUS AMENDMENTS

1. The regulations contained in Chapter I, Title 36, Code of Federal Regulations, are amended by striking out the word "house" wherever it appears therein before the word "trailer" or the word "trailers". The purpose of this amendment is to make the regulations applicable to all trailers without distinction between the various types in order that trailer permit fees may be equitably and uniformly applied in the parks and monuments.

2. Paragraph (d), § 1.2 *Preservation of public property, natural features and curiosities,* is amended to read as follows:

(d) Visitors may pick and eat, but not carry out of the parks and monuments, such native fruits and berries as the superintendent may designate. Fruits and berries shall be picked by hand. The use of rakes or mechanical pickers is prohibited.

3. Paragraph (a), § 1.40 *Permits,* is amended to read as follows:

(a) (1) No motor vehicle or trailer may be operated without a permit in any park or monument where a permit is required. The permit must be carried in the motor vehicle or trailer for which issued and exhibited upon request to any officer authorized to enforce the regulations in this chapter. Permits are issued for the calendar year, upon payment of the required fee, for individual motor vehicles or trailers, may not be transferred to another motor vehicle or trailer under any circumstances, and are good only in the park or parks or monument for which the permits are issued.

(2) A "trailer", within the meaning of the regulations in this part, is any vehicle designed or used for carrying passengers or personal property, having one or more wheels and with no motive power of its own, which is drawn by, or used in combination with, a motor vehicle.

4. Section 1.61 *Aircraft,* is amended to read as follows:

§ 1.61 *Aircraft.* (a) No person shall land aircraft on land or water on any Federally-owned area within any national park or monument, other than at one of the following designated landing areas:

(1) *Mount McKinley National Park, Alaska.* (i) McKinley Park Station airport, located in Sections 3 and 4, Township 14 South, Range 7 West, and Sections 33 and 34, Township 13 South, Range 7 West, Fairbanks Meridian.

(ii) The surface of Wonder Lake, located in unsurveyed lands at approximate latitude 63 degrees 28 minutes North, approximate longitude 150 degrees 53 minutes West.

(2) *Death Valley National Monument, California.* Death Valley airport, located in SW¼ Section 15, and NW¼ Section 22, Township 27 North, Range 1 East, San Bernardino Base and Meridian.

(3) *Glacier Bay National Monument, Alaska.* (i) Gustavus Point airport, located in Sections 5, 7, 8, and 9, Township 40 South, Range 59 East, Copper River Meridian.

(ii) The waters of Bartlett Cove, Sandy Cove, and Icy Strait in the vicinity of Gustavus Point airport.

(4) *Jackson Hole National Monument, Wyoming.* Jackson airport, located in SE¼SE¼ Section 10, SE¼ and S½SW¼ Section 11, S½ and NW¼ Section 14, NW¼NE¼ and E½NE¼ Section 15, Township 42 North, Range 116 West, 6th Principal Meridian.

(5) *Lake Mead Recreational Area, Arizona and Nevada.* (i) Boulder City Municipal Field, located in Sections 8, 9, 16, and 17, Township 23 South, Range 64 East, Mt. Diablo Meridian, Nevada.

(ii) The entire surface of Lake Mead.

(iii) Temple Bar landing strip located at approximate latitude 36 degrees north, approximate longitude 114 degrees 19 minutes west.

(iv) Pierce's Ferry landing strip located at approximate latitude 36 degrees 03 minutes north, approximate longitude 114 degrees 05 minutes west.

(6) *Katmai National Monument, Alaska.* The entire land and water area of the Monument during the period from May 15 to September 15. Planes on official business for the Territory of Alaska may land within the Monument at any time.

(b) The provisions of this section shall not be applicable to aircraft (1) engaged on official business of the Federal Government, (2) used in emergency rescue in accordance with the directions of the officer in charge of the park or monument, or (3) forced to land due to unforeseeable circumstances beyond the control of the operator.

5. Paragraph (c), § 13.15 *Fees for automobiles, motorcycles, and house trailer permits,* is amended by deleting the following named areas and charges:

Lava Beds National Monument..... .50
Petrified Forest National Monument... .50
White Sands National Monument..... .50

6. Section 20.28 *Olympic National Park,* is amended by adding a new paragraph (h) reading as follows:

(h) *Speed.* (1) Speed of automobiles and other vehicles, except ambulances and Government vehicles on emergency trips, shall not exceed 25 miles per hour on straight, open stretches and 15 miles per hour on curves while traveling on the following roads and sections of roads:

Elwha road above Elwha bridge.
Hurricane Ridge Road.
Deer Park Road.
Soleduck Road.
North Fork Quinault Road east of Canoe Creek.
East Fork Quinault Road.
Dosewallips Road.
Skokomish (Lincoln) Road.

(2) Vehicles having a gross weight in excess of 10,000 pounds shall not be operated at a speed in excess of 25 miles

per hour on straight, open stretches and 15 miles per hour on curves along Highway No. 101 from the Soleduck Road to the Park boundary adjacent to the east end of Lake Crescent.

(3) Speed of automobiles and other vehicles, except ambulances and Government vehicles on emergency trips, shall not exceed 20 miles per hour on Elwha Road within the posted area in the immediate vicinity of Ranger Station and Waumilla Lodge.

7. Section 20.45, reading as follows, is added to Part 20:

§ 20.45 *Everglades National Park.* No vehicle or conveyance, including conveyances commonly referred to as "glade buggies" or "airboats", designed to operate in, on, or over waters, swamps, or land areas, may be operated upon or across Federally-owned lands, including swamps and watered areas, unless prior authorization has been obtained from the Superintendent. This restriction shall not apply, however, to the operation of vehicles or conveyances over established or well-defined roadways or trails, or to boats operated by oars, sails, or underwater propellers.

(Sec. 3, 39 Stat. 535; 16 U. S. C., 1946 ed., sec. 3)

Issued this 27th day of June 1949.

[SEAL] OSCAR L. CHAPMAN,
Acting Secretary of the Interior.

[F. R. Doc. 49-5435; Filed, July 6, 1949; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter O—Regulations Applicable to Certain Vessels During Emergency

[CGFR 49-27]

PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

CONTINUATION IN EFFECT OF CERTAIN WAIVERS

Section 154.29 is amended to read as follows:

§ 154.29 *Continuation in effect of certain orders waiving compliance with navigation and vessel inspection laws and regulations, effective June 30, 1949.* Pursuant to the authority vested in the Commandant, U. S. Coast Guard, by the act of March 31, 1947, 61 Stat. 33, as amended by the act of July 31, 1947, 685, section 2 of the act of February 27, 1948 (Pub. Law 423, 80th Cong., 2d Sess.), the act of February 28, 1949 (Pub. Law 12, 81st Cong., 1st Sess.), and Joint Resolution 235 approved June 29, 1949, I hereby find that the continuation of all currently effective waiver orders, including regulations and instructions relating thereto, and affecting laws and regulations relating to navigation and vessel inspection administered by the Coast Guard, is presently necessary in the orderly reconversion of the merchant marine from a wartime to a normal peacetime basis. Accordingly, all such orders, regulations, and instructions are hereby ratified, affirmed and continued in force until modified, superseded, rescinded, or June 30, 1950, whichever first occurs. The waiver order of the Commandant, U. S. Coast Guard, dated March 2, 1949, and published in the FEDERAL REGISTER on March 5, 1949 (14 F. R. 1007), bearing the same title as this order is hereby rescinded, effective on publication of this document in the FEDERAL REGISTER.

(61 Stat. 685, as amended by 61 Stat. 685, sec. 2, Pub. Law 423, 80th Cong., Pub. Law 12, 81st Cong.; 46 U. S. C. Sup., note prec. sec. 1)

Dated: June 30, 1949.

[SEAL] J. F. FARLEY,
Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 49-5457; Filed, July 6, 1949; 9:08 a. m.]

TITLE 49—TRANSPORTATION

Chapter II—Office of Defense Transportation

TERMINATION OF THE OFFICE OF DEFENSE TRANSPORTATION

CROSS REFERENCE: For order terminating the Office of Defense Transportation, see Executive Order 10065, *supra.*

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 910]

DECISION WITH RESPECT TO PROPOSED AMENDED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF FRESH PEAS, CAULIFLOWER, AND CABBAGE GROWN IN COUNTIES OF ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE IN COLORADO

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Alamosa, Colorado, beginning on February 23, 1949, after notice thereof published in the FEDERAL REGISTER (14 F. R. 483), on proposed further amendment of Marketing Agreement No. 67 and Order No. 10 (7 CFR, Part 910), regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. and Sup. I 601 et seq.).

On the basis of the evidence introduced at the hearing, and the record thereof, the Assistant Administrator, Production and Marketing Administration, on May 27, 1949, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 49-4336; 14 F. R. 2869, 3184). No exception to said recommended decision was filed.

The material issues and findings and conclusions of the recommended decision (F. R. Doc. 49-4336; 14 F. R. 2869, 3184) are hereby approved, adopted, and incorporated herein as the material issues and findings and conclusions of this decision as if set forth in full herein.

Amended marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Fresh Peas, Cauliflower, and Cabbage Grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado," and "Order, as Amended, Regulating the Handling of Fresh Peas, Cauliflower, and Cabbage Grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado" which have been decided on as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid amended rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement, as amended, are identical with those contained in the said annexed order which will be published with this decision.

This decision filed at Washington, D. C., this first day of July 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order,[1] *as Amended, Regulating the Handling of Fresh Peas, Cauliflower, and Cabbage Grown in Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in Colorado*

SEC.
910.0 Findings and determinations.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders, have been met.

DEFINITIONS

AUTHORITY: §§ 910.0 to 910.48, issued under 48 Stat. 31, as amended; 7 U. S. C. and Sup. I 601 et seq.

§ 910.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings on the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. and Sup. I 601 et seq.) and the rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Alamosa, Colorado, beginning on February 23, 1949, upon a proposed further amendment of the marketing agreement and Order No. 10 (7 CFR Part 910) regulating the handling of fresh peas and cauliflower grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado so as to provide for the regulation of the handling of fresh peas, cauliflower, and cabbage grown in the said area. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of fresh peas, cauliflower, and cabbage grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado in the same manner as, and is applicable only to persons in the representative classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of said production area specified herein would not effectively carry out the declared policy of the act;

(4) There are no differences in the production or marketing of fresh peas, cauliflower, or cabbage covered hereby that require the prescription of different terms applicable to different parts of the production area; and

(5) The handling of cabbage grown in the Counties of Alamosa, Rio Grande, Conejes, Costilla, and Saguache in the State of Colorado is in the current of interstate commerce or commerce with Canada, or directly burdens, obstructs, or affects such commerce.

It is hereby found and proclaimed that: (1) The purchasing power of Valley-grown cabbage cannot be satisfactorily determined from available statistics of the Department of Agriculture with respect to the period August 1909–July 1914; (2) the purchasing power of such cabbage can be satisfactorily determined from available statistics of the Department of Agriculture with respect to the period August 1921–July 1929, inclusive; and (3) the period August 1921–July 1929, inclusive, is the base period for determining the purchasing power of such cabbage.

ORDER RELATIVE TO HANDLING

It is, therefore, ordered: That, on and after the effective date hereof, the handling of fresh peas, cauliflower, and cabbage grown in the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado shall be in conformity to, and in compliance with, the terms and conditions of said order, as amended and as hereby further amended; and the terms and conditions of said order as hereby further amended are as follows:

DEFINITIONS

As used herein the following terms have the following meanings:

§ 910.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

§ 910.2 *Act.* "Act" means the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. and Sup. I, 601 et seq.).

§ 910.3 *Person.* "Person" means any individual, partnership, corporation, association, legal representative, or any other business unit.

§ 910.4 *Production area.* "Production area" means the counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado.

§ 910.5 *Peas.* "Peas" means all varieties of peas, for sale for consumption in fresh form, grown in the production area.

§ 910.6 *Cauliflower.* "Cauliflower" means all varieties of cauliflower, for sale for consumption in fresh form, grown in the production area.

§ 910.7 *Cabbage.* "Cabbage" means all varieties of cabbage, for sale for consumption in fresh form, grown in the production area.

§ 910.8 *Producer.* "Producer" means any person engaged in growing peas, cauliflower, or cabbage for market.

§ 910.9 *Handler; shipper.* "Handler" or "shipper" means any person (except a common carrier of peas, cauliflower, or cabbage owned by another person) who, as owner, agent, or otherwise, ships or causes to be shipped, peas, cauliflower, or cabbage.

§ 910.10 *Handle; ship.* "Handle" or "ship" means to transport, offer for transportation, sell, or offer for sale, peas, cauliflower, or cabbage in the current of interstate commerce or commerce with Canada, or so as directly to burden, obstruct, or affect such commerce.

§ 910.11 *Fiscal year.* "Fiscal year" means the twelve-month period beginning June 1 of any year and ending May 31 of the following year, both dates inclusive.

ADMINISTRATIVE COMMITTEE

§ 910.12 *Establishment and membership.* There is hereby established an Administrative Committee consisting of twelve members. Three members of said committee shall represent pea producers; three members of said committee shall represent cauliflower producers; three members of said committee shall represent cabbage producers; and three members of said committee shall represent handlers. For each member of the Ad-

ministrative Committee there shall be an alternate member who shall be selected in the same manner and shall have the same qualifications as the member for whom such person serves as alternate. The members representing producers of peas shall be selected from the following districts: One member shall be a producer of peas in the district consisting of Rio Grande and Saguache Counties; one member shall be a producer of peas in the district consisting of Conejos County; and one member shall be a producer of peas in the district consisting of Alamosa and Costilla Counties. The members representing producers of cauliflower shall be selected from the following districts: One member shall be a producer of cauliflower in the district consisting of Alamosa, Rio Grande and Saguache Counties; one member shall be a producer of cauliflower in the district consisting of Conejos County; and one member shall be a producer of cauliflower in the district consisting of Costilla County. The members representing producers of cabbage shall be selected from the following districts: One member shall be a producer of cabbage in the district consisting of Alamosa, Rio Grande and Saguache Counties; one member shall be a producer of cabbage in the district consisting of Conejos County, and one member shall be a producer of cabbage in the district consisting of Costilla County.

§ 910.13 *Nomination and selection of producer members.* On or before May 15 of each year, there shall be held a general meeting of producers, at such time and place as may be designated by the Administrative Committee; and at such general meeting of producers the nominees shall be designated, in accordance with the provisions set forth herein, and the Secretary shall select, from among the nominees thus designated, the members and alternates of the Administrative Committee to represent producers for the following fiscal year. At each of such meetings, the producers shall select a chairman and a secretary; and thereupon such producers shall designate the nominees to represent, by districts as aforesaid, the producers of peas, cauliflower, and cabbage, respectively. Each producer of cauliflower who is present at said general meeting shall be entitled to cast one vote, and only one vote, on behalf of himself, his agents, partners, and representatives in designating each nominee for each of the aforesaid districts to represent the producers of cauliflower. Each producer of peas who is present at said general meeting shall be entitled to cast one vote, and only one vote, on behalf of himself, his agents, partners, and representatives in designating each nominee for each of the aforesaid districts to represent the producers of peas. Each producer of cabbage who is present at said general meeting shall be entitled to cast one vote, and only one vote, on behalf of himself, his agents, partners, and representatives in designating each nominee for each of the aforesaid districts to represent the producers of cabbage. Producers shall designate two nominees for each producer member of the Administrative Committee from each of the aforesaid districts, and two nominees for each alternate from each district; and the Secretary shall select, from among the nominees designated by the producers, one producer member and his respective alternate for each of the said districts. Only producers who are present at said general meeting may participate in designating nominees. No producer shall be allowed to vote by proxy. The chairman of each meeting shall announce at the respective meeting the name of each person for whom a vote has been cast, whether as member or as alternate, and the number of votes cast for each such person; and the chairman or the secretary of said general meeting shall forthwith transmit such information to the Secretary. No person engaged in handling peas, cauliflower, or cabbage, other than of his own production shall be eligible to serve as a producer member of the Administrative Committee.

§ 910.14 *Nomination and selection of handler members.* On or before May 15 of each year, there shall be held a general meeting of handlers, at such time and place as may be designated by the Administrative Committee; and at such general meeting of handlers the nominees shall be designated, in accordance with the provisions set forth herein, and the Secretary shall select, from among the nominees thus designated, the members and alternates of the Administrative Committee to represent handlers for the following fiscal year. At each of such meetings the handlers shall select a chairman and secretary; and thereupon such handlers shall designate six nominees for membership on the Administrative Committee and six nominees for alternate membership on the Administrative Committee to represent the handlers. The Secretary shall select, from among the nominees designated by the handlers, three members of the Administrative Committee and their respective alternates. Each handler present at said general meeting shall be entitled to cast one vote, and only one vote, on behalf of himself, his agents, partners, affiliates, subsidiaries and representatives. Only handlers who are present at said general meeting may participate in designating nominees. No handlers shall be allowed to vote by proxy. The chairman of each such meeting shall announce at the respective meeting the name of each person for whom a vote has been cast, whether as member or alternate, and the number of votes cast for each such person; and the chairman or the secretary of said general meeting shall forthwith transmit such information to the Secretary. Each member of the Administrative Committee, selected as aforesaid by the Secretary to represent handlers, shall be a handler of peas, cauliflower, or cabbage in the production area.

§ 910.15 *Failure to nominate.* In the event nominations are not made by producers pursuant hereto, and within the time specified herein, the Secretary may select, without regard to nominations and without waiting for any nominations to be made, the members and alternate members of the Administrative Committee to represent producers. In the event nominations are not made by handlers pursuant to, and within the time specified in, the provisions hereof, the Secretary may select, without regard to nominations and without waiting for any nominations to be made, the members and alternate members of the Administrative Committee to represent handlers.

§ 910.16 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the Administrative Committee shall qualify, within fifteen days after being notified of such selection, by filing with the Secretary a written acceptance of such appointment.

§ 910.17 *Term of office.* The term of office of each member and each alternate of the Administrative Committee shall begin on the first day of June or on the date said member or alternate qualifies, whichever is later, and shall continue for the remainder of the fiscal year: *Provided*, That said members and alternates shall continue to serve until their respective successors have been selected and have qualified.

§ 910.18 *Duties of alternate members.* The alternate for a member of the Administrative Committee shall, in the event of such member's absence, act in the place and stead of such member; and in the event of such member's removal, resignation, disqualification, or death, the alternate for said member shall, until a successor for the unexpired term of said member has been selected, act in the place and stead of said member.

§ 910.19 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the Administrative Committee to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate member of the Administrative Committee, a successor for his unexpired term shall be selected by the Secretary from nominations made in the manner heretofore specified. If nominations to fill such vacancy are not made and the names of such nominees submitted to the Secretary within twenty days after such vacancy occurs, the Secretary may, without waiting for such nominees to be designated or the names thereof submitted, fill such vacancy.

§ 910.20 *Compensation and expenses.* The members of the Administrative Committee, and their respective alternates when acting as members, shall serve without compensation, but they shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder.

§ 910.21 *Powers.* The Administrative Committee shall have the following powers:

(a) To administer, as herein provided, the terms and provisions hereof;

(b) To make rules and regulations to effectuate the terms and provisions hereof;

(c) To receive, investigate, and report to the Secretary complaints of violations hereof; and

(d) To recommend to the Secretary amendments hereto.

§ 910.22 *Duties.* It shall be the duty of the Administrative Committee:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To keep minutes, books, and records which will clearly reflect all of the acts and transactions of the committee, and such minutes, books and records shall be subject at any time to examination by the Secretary;

(c) To investigate the growing, shipping, and marketing conditions with respect to peas, cauliflower, and cabbage, and to assemble data in connection therewith;

(d) To furnish to the Secretary such available information as the Secretary may request;

(e) To prepare each year and submit to the Secretary, a proposed budget of expenses and proposed rates of assessment;

(f) To cause the books of the Administrative Committee to be audited by one or more competent accountants at least once each fiscal year and at such other times as the committee may deem necessary or as the Secretary may request, and to file with the Secretary a copy of each such report;

(g) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of such employees;

(h) To select a chairman of the Administrative Committee and, from time to time, such other officers as it may deem advisable; and

(i) To give the Secretary the same notice of meetings of the Administrative Committee as is given to the members of the committee.

§ 910.23 *Marketing policy.* Each season prior to making any recommendation to the Secretary for regulation of shipments of peas, cauliflower, or cabbage, the Administrative Committee shall determine the marketing policy to be followed during the ensuing season and submit a report of such policy to the Secretary; and said policy report shall contain, among other provisions, information relative to the estimated total production or shipments of the applicable commodity; information as to the expected general quality and size of the applicable commodity; possible or expected demand conditions of different market outlets; supplies of competitive commodities; such analysis of the foregoing factors and conditions as the committee deems appropriate; and the type of regulation of shipments of the applicable commodity expected to be recommended.

PROCEDURE

§ 910.24 *Quorum and voting requirements.* Only members of the Administrative Committee representing handlers and members representing producers of peas shall be entitled to vote on any matter with respect to peas or the handling of peas pursuant to § 910.32 to § 910.36, inclusive. Any four such members shall constitute a quorum insofar as regulating the handling of peas pursuant to § 910.32 to § 910.36, inclusive, is concerned; and any decision of the Administrative Committee with respect thereto shall require four concurring votes. Only members of the Administrative Committee representing handlers and members representing producers of cauliflower shall be entitled to vote on any matter with respect to cauliflower or the handling of cauliflower pursuant to § 910.32 to § 910.36, inclusive. Any four such members shall constitute a quorum insofar as regulating the handling of cauliflower pursuant to § 910.32 to § 910.36, inclusive, is concerned; and any decision of the Administrative Committee with respect thereto shall require four concurring votes. Only members of the Administrative Committee representing handlers and representing producers of cabbage shall be entitled to vote on any matter with respect to cabbage or the handling of cabbage pursuant to § 910.32 to § 910.36, inclusive. Any four such members shall constitute a quorum insofar as regulating the handling of cabbage pursuant to § 910.32 to § 910.36, inclusive, is concerned; and any decision of the Administrative Committee with respect thereto shall require four concurring votes. Any seven members of the Administrative Committee representing handlers or representing producers shall, with regard to any action by the committee under any section hereof other than § 910.32 to § 910.36, inclusive, constitute a quorum of said committee; and any decision of the Administrative Committee pursuant to any of the provisions hereof other than § 910.32 to § 910.36, shall require seven concurring votes by the members of said committee.

§ 910.25 *Voting.* Only members present at an assembled meeting of the Administrative Committee may vote: *Provided,* That in the absence of an assembled meeting of the committee provision may be made for the members thereof to vote, with regard to committee action, by telegraph or telephone; and any such vote cast by telephone shall be confirmed promptly in writing by each member thus voting by telephone.

§ 910.26 *Use of funds.* All funds received by the Administrative Committee pursuant to any of the provisions hereof shall be used solely for the purposes herein specified, and the Secretary may require the committee and its members to account for all receipts and disbursements.

§ 910.27 *Possession of funds, books, records, and other property.* On the death, resignation, removal or expiration of the term of office of any member of the Administrative Committee, all books, records, funds, and other property in his possession shall be delivered to his successor in office or to the committee, and such assignments and other instruments shall be executed as may be necessary to vest in his successor or in the committee full right to all the books, records, funds, and other property in the possession or under the control of such member pursuant hereto.

§ 910.28 *Right of the Secretary.* The members of the Administrative Committee (including successors and alternates) and any agent or employee appointed or employed by said committee shall be subject to removal or suspension at any time by the Secretary. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time; and upon such disapproval the action of said committee thus disapproved shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

EXPENSES AND ASSESSMENTS

§ 910.29 *Expenses.* The Administrative Committee is authorized to incur such expenses as the Secretary finds may be necessary for the maintenance and functioning hereunder during each fiscal year. The funds to cover such expenses shall be acquired by the levying of assessments as provided hereinafter.

§ 910.30 *Assessments.* Each handler who first handles peas, cauliflower, or cabbage shall pay to the Administrative Committee, upon demand, such handler's pro rata share of the expenses that the Secretary finds will be necessarily incurred by the committee for the maintenance and functioning of the committee during each fiscal year. Each such handler's pro rata share shall be based upon a rate of assessment fixed by the Secretary and shall be that proportion of such expenses which the total quantity of peas, cauliflower, or cabbage, as the case may be, first shipped by such handler during the fiscal year is of the total quantity of peas, cauliflower, or cabbage so shipped by all handlers during such shipping season. The rate of assessment may be increased or decreased, during or after a fiscal year, by the Secretary in order to cover any later findings of the Secretary of the estimated expenses or the actual expenses of the committee during said fiscal year.

§ 910.31 *Handler accounts.* At the end of each fiscal year the Administrative Committee shall credit each handler with any amount paid by such handler in excess of his pro rata share of the expenses or shall debit such handler with the amount by which his pro rata share exceeds the amount paid by him. Any such debits shall become due and payable upon demand of the committee. The Administrative Committee may, with the approval of the Secretary, maintain a suit in its own name or in the names of its members for the collection of any handler's pro rata share of expenses.

REGULATION OF SHIPMENTS BY GRADES, SIZES AND MINIMUM STANDARDS; PROHIBITION OF LOADING

§ 910.32 *Recommendation of the Administrative Committee.* Whenever the Administrative Committee deems it advisable to regulate the shipment of peas, cauliflower, or cabbage by grades or sizes (including, with respect to cabbage, the mixing of sizes), or both, or to establish and maintain in effect minimum standards of quality or maturity, or both, during any specified period or periods, in order to effectuate the de-

clared policy of the act, it shall so recommend to the Secretary. At the time of submitting each such recommendation, the committee shall furnish the Secretary the pertinent data and information upon which it acted in making such recommendation, and such other data and information as the Secretary may request.

§ 910.33 *Issuance of regulations.* Whenever the Secretary finds, from the recommendation and information submitted by the Administrative Committee or from other available information, that to limit the shipment of peas, cauliflower or cabbage to particular grades or sizes (including, with respect to cabbage, the mixing of sizes), or both, or to establish and maintain in effect minimum standards of quality or maturity, or both, would tend to effectuate the declared policy of the act, he shall so limit the shipment of such peas, cauliflower or cabbage or so establish and maintain in effect such minimum standards during a specified period or periods. The Secretary shall immediately notify the committee of the issuance of each such regulation, and the committee shall promptly give adequate notice thereof to handlers and producers.

§ 910.34 *Exemption certificates.* (a) The committee shall adopt, subject to approval of the Secretary, the procedural rules pursuant to which certificates of exemption will be issued.

(b) Except as otherwise provided in this section, the committee shall issue certificates of exemption to any producer, or to any handler who has purchased an unharvested field of peas, cauliflower, or cabbage, who applies for such exemption and who furnishes evidence satisfactory to the committee that by reason of conditions beyond his control he will be prevented from shipping as large a percentage of the peas, cauliflower, or cabbage as the case may be, from a designated unharvested field, which will meet the requirements of the then current regulation issued pursuant hereto for such commodity as the average percentage of all producers. The exemption provisions shall not be applicable during periods when minimum standards of quality or maturity are in effect. An exemption certificate issued pursuant hereto shall; (1) with respect to peas, permit the shipment of such quantity of peas harvested from the designated field as grades not less than 80 percent U. S. No. 1 quality; and (2) with respect to cauliflower and cabbage permit the shipment of such quantity of cauliflower or cabbage, as the case may be, harvested from the designated field as grades not less than 75 percent U. S. No. 1 quality. U. S. No. 1 quality of peas, cauliflower, and cabbage shall be determined in accordance with the United States Standards for Fresh Peas (14 F. R. 564), United States Standards for Cauliflower (13 F. R. 2249), or the United States Standards for Cabbage (14 F. R. 563) or as such standards may be subsequently amended, as the case requires.

(c) The committee is authorized at any time to make a thorough investigation with respect to any application for exemption.

(d) If any applicant for an exemption certificate is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, make a final determination concerning the certificate of exemption to be granted, and notify the appellant of such final determination.

(e) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to this section.

(f) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of peas, cauliflower or cabbage covered by such exemption certificates, a record of the amount of peas, cauliflower, and cabbage shipped under exemption certificates, a record of appeals for reconsideration of applications for exemption certificates, and such other information as may be requested by the Secretary. Periodic reports on such records shall be compiled and submitted by the committee upon request of the Secretary.

§ 910.35 *Inspection and certification.* During any period in which shipments of peas, cauliflower, or cabbage are regulated pursuant hereto, each handler shall, prior to making each such shipment cause such shipment to be inspected by an authorized representative of the Federal-State Inspection Service; and promptly thereafter each such handler shall submit or cause to be submitted to the Administrative Committee a copy of the Federal-State inspection certificate showing the grade and size of the vegetable contained in the respective shipment.

§ 910.36 *Prohibition of loading.* (a) Whenever the Administrative Committee deems it advisable, in order to effectuate the declared policy of the act, to prohibit the loading of peas or cauliflower for a period of not to exceed 96 hours, it shall so recommend to the Secretary. At the time of submitting such recommendation, the committee shall furnish the Secretary the pertinent data and information upon which it acted in making such recommendation, and such other information as the Secretary may request.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the Administrative Committee or from other available information, that to prohibit the loading of peas or cauliflower during a period of not to exceed 96 hours would tend to effectuate the declared policy of the act, he shall so prohibit the loading of peas, or cauliflower: *Provided*, That not less than 72 hours shall elapse from the termination of such period to the commencement of a subsequent period during which such loading would be prohibited. The Secretary shall immediately notify the committee of the issuance of such regulation, and the committee shall promptly give adequate notice thereof to producers and handlers.

§ 910.37 *Compliance and exceptions*—(a) *Compliance.* No handler shall ship peas, cauliflower, or cabbage in violation of the provisions hereof or of any order or regulation issued pursuant hereto; and no handler shall load peas or cauliflower during any period when such loading has been prohibited by the Secretary pursuant hereto.

(b) *Shipments for relief.* Nothing contained herein shall be construed to authorize any limitation of the right of any handler to ship peas, cauliflower or cabbage for consumption by charitable institutions or for distribution by relief agencies; and no assessment shall be levied or collected on such shipments. The Administrative Committee may prescribe adequate safeguards to prevent such shipments from entering the commercial channels of trade contrary to the provisions hereof.

§ 910.38 *Reports.* At the request of the Administrative Committee, made with the approval of the Secretary, each handler shall furnish such committee, in such manner and at such times as it prescribes, such information as will enable the committee to perform its duties hereunder.

EFFECTIVE TIME AND TERMINATION

§ 910.39 *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in any of the ways hereinafter specified.

§ 910.40 *Termination.* (a) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions hereof, with respect to peas, cauliflower, or cabbage at the end of any fiscal year whenever he finds that such termination is favored by a majority of the producers of the respective vegetable, who, during the then preceding fiscal year have been engaged in the production for market of such vegetable: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of the respective vegetable produced for market; but such termination shall be effective only if announced on or before April 30 of the then current fiscal year.

(d) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 910.41 *Proceedings after termination.* (a) Upon the termination of the provisions hereof, the then functioning members of the Administrative Committee shall continue as trustees, for the purpose of liquidating the affairs of the said committee, of all the funds and

property then in the possession of or under control of such committee, including but not being limited to the claims for any funds unpaid or property not delivered at the time of such termination; and the procedural rules governing the activities of said trustees, including but not being limited to the determination as to whether action shall be taken by a majority vote of the trustees, shall be prescribed by the Secretary.

(b) The said trustees shall continue in such capacity until discharged by the Secretary, and shall, from time to time, account for all receipts and disbursements or deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the Administrative Committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said trustees.

§ 910.42 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof or the termination of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision hereof or any regulation issued hereunder, or (b) release or extinguish any violation hereof or of any regulation issued hereunder, or (c) affect or impair any right or remedy of the Secretary or of any other person with respect to any such violation. The provisions hereof shall not affect or waive any right, duty, obligation, or liability which may have arisen in connection with any provision of the amended marketing agreement and order regulating the handling of fresh peas and cauliflower grown in the counties of Alamosa, Rio Grande, Conejos, Costilla and Saguache in the State of Colorado, effective on and after April 13, 1942; or release or extinguish any violation of said marketing agreement and order or of any regulation issued thereunder or affect or impair any right or remedy of the Secretary or of any person with respect to any such violation.

MISCELLANEOUS

§ 910.43 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done hereunder and during the existence hereof.

§ 910.44 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

§ 910.45 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act, or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 910.46 *Personal liability.* No member or alternate member of the Administrative Committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any other person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate member, or employee, except for acts of dishonesty.

§ 910.47 *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any person, circumstance, or thing, is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 910.48 *Amendments.* Amendments hereto may be proposed, from time to time, by the Administrative Committee or by the Secretary.

[F. R. Doc. 49–5481; Filed, July 6, 1949; 8:53 a. m.]

[7 CFR, Part 910]

FRESH PEAS, CAULIFLOWER, AND CABBAGE GROWN IN THE COUNTIES OF ALAMOSA, RIO GRANDE, CONEJOS, COSTILLA, AND SAGUACHE IN COLORADO

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED; DESIGNATING OF AGENTS TO CONDUCT REFERENDUM; DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. and Sup. I 601 et seq.), it is hereby directed that a referendum be conducted among the producers who, during the period June 1, 1948, to May 31, 1949, both dates inclusive (which period is hereby determined to be a representative period for the purpose of such referendum), were egaged, in the production area consisting of the Counties of Alamosa, Rio Grande, Conejos, Costilla, and Saguache in the State of Colorado, in the production of peas, cauliflower, or cabbage for sale for consumption in fresh form, to determine whether such producers favor the issuance of an order amending Order No. 10, as amended (7 CFR Part 910), regulating the handling of fresh peas and cauliflower grown in the aforesaid counties, to provide for the regulation of the handling of fresh peas, cauliflower, and cabbage grown in the said area, which amendatory order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.[1] Hans C. Hess, Walter Kingsbury, and Ernest J. Holcomb, of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture, to perform, jointly or severally, the following functions in connection with the referendum:

(a) Conduct the referendum in the manner herein prescribed:

(1) By determining the time of the commencement and termination of the period of the referendum, and by giving opportunity to each of the aforesaid producers to cast his ballot, in the manner herein authorized, relative to the aforesaid order, on a copy of an appropriate ballot form. A cooperative association of such producers, bona fide engaged in marketing fresh peas, cauliflower, or cabbage grown in the aforesaid area or in rendering services for or advancing the interests of the producers of such vegetables, may vote for the producers who are members of, stockholders in, or under contract with such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such producers.

(2) By giving public notice, as prescribed in (a) (3) hereof, (i) of the time during which the referendum will be conducted; (ii) of the polling places where producers may cast their ballots in person; (iii) that any ballots may be cast by mail; (iv) that all ballots so cast must be addressed to Hans C. Hess, U. S. Department of Agriculture, Room 549, New Custom House, Denver 2, Colorado; and (v) of the time prior to which all ballots must be cast.

(3) By giving public notice (i) by utilizing (without advertising expense) available agencies of public information, including both press and radio facilities in the aforesaid Counties of the State of Colorado; (ii) by mailing a copy of the text of the aforesaid order (including a copy of the appropriate ballot form) to each such cooperative association and to each producer whose name and address is known; and (iii) by such other means as said referendum agents or either of them may deem advisable.

(4) By conducting meetings of producers and arranging for balloting at the meeting places, if said referendum agents or either of them determines that voting shall be at meetings. At each meeting, balloting shall continue until all of the producers who are present and who desire to vote have had an opportunity to do so. Any producer may cast his ballot at such meeting in lieu of voting at any other polling place or by mail.

(5) By giving ballots and copies of the text of the aforesaid order to producers at each meeting and polling place and receiving any ballots when they are cast.

(6) By securing the name and address of each person casting a ballot, and inquiring into the eligibility of such person to vote in the referendum.

(7) By giving advance public notice of the time and place of each meeting

[1] F. R. Doc. 49–5481, *supra*.

authorized hereunder by posting a notice thereof, at least two days in advance of each such meeting, at each such meeting place, and in two or more public places within the applicable area; and, so far as it may be practicable, by giving additional notice in the manner prescribed in paragraph (a) (3).

(8) By forwarding to Hans C. Hess, Room 549, New Custom House, Denver 2, Colorado, immediately after the close of the referendum, the following:

(i) A register containing the name and address of each producer, and each of the aforesaid cooperative associations of producers, to whom a ballot was given;

(ii) A register containing the name and address of each producer, and each cooperative association of producers, from whom an executed ballot was received;

(iii) All of the ballots received by the respective referendum agent in connection with the referendum, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and which were received by the respective agent during the referendum period;

(iv) A statement showing when and where each notice of referendum posted by said agent was posted and, if the notice was mailed to producers, the mailing list showing the names and addresses to which the notice was mailed and the time of such mailing; and

(v) A detailed statement reciting the method or methods used in giving publicity to such referendum.

(9) By appointing any county agents and any members of the county Agricultural Conservation Association Committee, in the aforesaid area, and such other persons, including employees of the Fruit and Vegetable Branch, Production and Marketing Administration, as such referendum agents or either of them deems necessary or desirable, to assist the said referendum agents in performing their functions hereunder. Each such appointee shall serve without compensation and may be authorized, by the said referendum agents or either of them, to perform any or all of the functions set forth in paragraphs (a) (5), (6), (7), and (8) hereof (which, in the absence of such appointment of subagents, shall be performed by said referendum agents) in accordance with the requirements herein set forth.

(b) On receipt by Hans C. Hess of all ballots cast in accordance with the provisions hereof, he shall canvass the ballots and forward the ballots, together with the information and data, to the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. The Fruit and Vegetable Branch shall prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(c) Each referendum agent and appointee pursuant hereto shall not refuse to accept a ballot submitted or cast; but should they or either of them deem that a ballot should be challenged for any reason, or if such a ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reason therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential. The Director of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents and appointees in conducting said referendum.

Copies of the aforesaid amendatory order may be examined at the office of the Hearing Clerk, United States Department of Agriculture, Washington, D. C., or obtained from any referendum agent or appointee hereunder.

Ballots to be cast in the referendum may be obtained from any referendum agent, or any appointee hereunder.

Done at Washington, D. C. this 1st day of July 1949.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-5555; Filed, July 6, 1949; 8:53 a. m.]

[7 CFR, Part 942]

[Docket No. AC-103 A-11 RO-1]

HANDLING OF MILK IN THE NEW ORLEANS, LOUISIANA, MILK MARKETING AREA

PROPOSED AMENDMENT TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR 900.1 et seq.), notice is hereby given of the reopening of the public hearing held in New Orleans, Louisiana, on February 23-25, 1949, to be held in Lenfant's Boulevard Room, 5236 Canal Boulevard, New Orleans, Louisiana, beginning at 10:00 a. m., c. s. t., July 11, 1949, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, milk marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

By the Dairy Farmers' Cooperative Association, Inc.:

(1) Include in the order in lieu of the seasonal pricing pattern proposed at the February hearing a base rating plan as follows:

The base period shall be the 6 months period of October through March each year. Each handler shall determine the base for each producer by dividing the number of days in the base period into the total pounds of milk shipped by such producer during the base period. The bases so calculated shall be verified by the market administrator. Each handler shall be required to notify each producer and post publicly the base of each of his producers 20 days following the close of the base period.

(a) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base.

(b) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(c) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(d) Base may be transferred only under the following conditions: (1) In case of the death of a producer, his base may be transferred to a surviving member or members of his family who carry on the dairy operations, and (2) on the retirement of a producer, his base may be transferred to an immediate member of his family who carries on the dairy operations.

(e) The base of two producers may be combined in the case of forming a partnership, or may be divided in the case of the dissolution of a partnership.

(f) For the purposes of this section only, the term "producer" shall include any person who has been a producer as defined under the order.

(2) Make such further changes in the order in regard to pricing so as to provide for announcement by the market administrator of uniform prices for base milk and of uniform prices for surplus milk.

Copies of this notice of hearing and of the tentative marketing agreement, and the order, as amended, now in effect, may be procured from the Market Administrator, 1421 Carondelet Building, New Orleans, Louisiana, or from the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., or may be there inspected.

Dated: July 1, 1949.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 49-5485; Filed, July 6, 1949; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

CLASSIFICATION ORDER

JUNE 22, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 86.75 acres.

CALIFORNIA SMALL TRACT CLASSIFICATION No. 160

For lease and sale for homesites only:

T. 5 N., R. 3 W., S. B. M.,
Sec. 6, Tracts numbered 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31 (formerly Lots 3, 4 and 5).

These lands are located along the northern edge of Victor Valley, San Bernardino County, California, three miles northeast of Victorville and one to one and one-half miles north of State Highway 18. They lie at an elevation of about 3,100 feet above sea level and the surface is quite level with a gentle southwesterly slope. Native vegetation consists of desert shrubs and occasional Joshua trees. There is no available surface water and subsurface water supplies have not been generally determined. These lands are desirable primarily due to location between Victorville and Apple Valley and favorable topography, which will permit development of homesites at reasonable costs.

2. As to applications regularly filed prior to 8:55 a. m., March 26, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., August 24, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., August 24, 1949, to the close of business on November 22, 1949.

(b) Advance period for veterans' simultaneous filings from 8:55 a. m., March 26, 1948, to the close of business on August 24, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., November 23, 1949.

(a) Advance period for simultaneous nonpreference filings from 8:55 a. m., March 26, 1948, to the close of business on November 23, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $20.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, District Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-5447; Filed, July 6, 1949; 8:48 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

JUNE 22, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 93.10 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION No. 161

For lease and sale for homesites only:

T. 3 N., R. 1 W., S. B. M.,
Sec. 4, Tracts numbered 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 (formerly Lots 1 and 2).

These lands are located on the northern foothills of the San Bernardino Mountains, about 4,000 feet above sea level, overlooking the Lucerne Valley basin in the Mojave Desert, San Bernardino County, California. They lie about 4½ miles southwest of Lucerne Valley Post Office. The surface is a rolling slope, cut by numerous gullies and covered by granite boulders. There is no available surface water and the cost of well drilling would be prohibitive for the average applicant. In most cases domestic water supplies will have to be transported to the land. The vegetation consists of desert shrubs, juniper, Joshua trees and Spanish dagger. Road and homesite development costs will be high, due to the rough, rocky nature of the terrain. These lands afford an excellent view and the vegetative type is more varied and interesting than that found at lower elevations.

2. As to applications regularly filed prior to 2:45 p. m., March 16, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., August 24, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., August 24, 1949, to the close of business on November 22, 1949.

(b) Advance period for veterans' simultaneous filings from 2:45 p. m., March 16, 1948, to the close of business on August 24, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., November 23, 1949.

(a) Advance period for simultaneous nonpreference filings from 2:45 p. m.,

March 16, 1948, to the close of business on November 23, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $10.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, District Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-5448; Filed, July 6, 1949; 8:49 a. m.]

CALIFORNIA

CLASSIFICATION ORDER

JUNE 22, 1949.

1. Pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319 dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), I hereby classify under the Small Tract Act of June 1, 1938 (52 Stat. 609), as amended July 14, 1945 (59 Stat. 467, 43 U. S. C. section 682a), as hereinafter indicated, the following described land in the Los Angeles, California, land district, embracing 180 acres,

CALIFORNIA SMALL TRACT CLASSIFICATION No. 162

For lease and sale for homesites only:

T. 4 N., R. 14 W., S. B. M., Sec. 5, S½NE¼, N½N½SE¼, SW¼NW¼SE¼, NW¼SW¼SE¼, E½SE¼SW¼, SW¼SE¼SW¼, NW¼SW¼SW¼.

These lands are located in the mountains, between Palmdale and San Fernando, in Los Angeles County, California. They lie south and east of State Highway 6 about 27 miles southwest of Palmdale, along Tick Canyon. The topography is hilly to mountainous and steep, and the elevation ranges from about 2,000 to 2,500 feet above sea level. The vegetation consists of semi-desert shrubs and juniper. Most of these lands are inaccessible, water development will be expensive or impossible over much of the area, and the development of roads and homesites will generally be an expensive undertaking. There is little possibility of deriving income from the land, and prospective applicants should consider the area only for residential purposes.

2. As to applications regularly filed prior to 8:30 a. m., November 2, 1948, and are for the type of site for which the land is classified, this order shall become effective upon the date it is signed.

3. As to the land not covered by applications referred to in paragraph 2, this order shall not become effective to permit leasing under the Small Tract Act until 10:00 a. m., August 24, 1949. At that time such land shall, subject to valid existing rights, become subject to application as follows:

(a) Ninety-day preference period for qualified veterans of World War II from 10:00 a. m., August 24, 1949, to the close of business on November 22, 1949.

(b) Advance period for veterans' simultaneous filings from 8:30 a. m., November 2, 1948, to the close of business on August 24, 1949.

4. Any of the land remaining unappropriated shall become subject to application under the Small Tract Act by the public generally, commencing at 10:00 a. m., November 23, 1949.

(a) Advance period for simultaneous nonpreference filings from 8:30 a. m., November 2, 1948, to the close of business on November 23, 1949.

5. Applications filed within the periods mentioned in paragraph 3 (b) and 4 (a) will be treated as simultaneously filed.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

6. All of the land will be leased in tracts of approximately 5 acres, each being approximately 330 by 660 feet, the longer dimensions to extend east and west, except in the NW¼SW¼SW¼ where they are to extend north and south.

7. Preference right leases referred to in paragraph 2 will be issued for the land described in the application irrespective of the direction of the tract, provided the tract conforms to or is made to conform to the area and the dimensions specified in paragraph 6.

8. Where only one five-acre tract in a ten-acre subdivision is embraced in a preference right application, an application for the remaining five-acre tract extending in the same direction will be accepted in order to fill out the subdivision notwithstanding the direction specified in paragraph 6.

9. Leases will be for a period of five years at an annual rental of $5.00 payable for the entire lease period in advance of the issuance of the lease. Leases will contain an option to purchase clause at the appraised value of $10.00 an acre, application for which may be filed at or after the expiration of one year from date the lease is issued.

10. Tracts will be subject to rights-of-way not exceeding 33 feet in width along or near the edges thereof for road purposes and public utilities. Such rights-of-way may be utilized by the Federal Government, or the State, County or municipality in which the tract is situated, or by any agency thereof. The rights-of-way may, in the discretion of the authorized officer of the Bureau of Land Management, be definitely located prior to the issuance of the patent. If not so located, they may be subject to location after patent is issued.

11. All inquiries relating to these lands should be addressed to the Manager, District Land Office, Los Angeles, California.

L. T. HOFFMAN,
Regional Administrator.

[F. R. Doc. 49-5449; Filed, July 6, 1949; 8:49 a. m.]

Bureau of Reclamation

[No. 43]

BOISE IRRIGATION PROJECT, IDAHO

ANNOUNCEMENT OF ANNUAL WATER RENTAL CHARGES

JUNE 1, 1949.

1. Pursuant to article 22 of the contract between the United States and the Wilder Irrigation District, dated August 1, 1941, concerning the construction of Anderson Ranch Dam and Reservoir and related matters, and to like articles in similar contracts with the contractors listed below, irrigation water will be furnished from Anderson Ranch Reservoir on a rental basis during the irrigation season of 1949 to the following contractors:

New York Irrigation District.
Boise-Kuna Irrigation District.
Nampa & Meridian Irrigation District.
Wilder Irrigation District.
Pioneer Irrigation District.
Settlers Irrigation District.
Farmers Union Ditch Company.
New Dry Creek Ditch Company.
Boise Valley Irrigation Ditch Company.
South Boise Mutual Irrigation Company, Ltd.
Ballantyne Ditch Company.
Big Bend Irrigation District.

2. The repayment contracts between the United States and the contractors listed above provide that water will be furnished on a rental basis to the contractors, in amounts proportionate to their contracted space in Anderson Ranch Reservoir, under the conditions which exist at present, i. e., prior to the substantial completion of Anderson Ranch Dam and Reservoir or prior to its completion to a point where stored water in an amount exceeding 275,000 acre-feet become available for irrigation use.

3. Contractors who do not plan to take their proportionate shares of water from Anderson Ranch Reservoir during the 1949 irrigation season should notify the Bureau of Reclamation in writing at the address given below, so that such water may be made available for other contractors who may require more than their proportionate shares.

4. Water rental charges for the 1949 irrigation season shall be $1.20 per acre-foot, payable by each contractor in advance of the release of water from Anderson Ranch Reservoir. Requests for water and the payments required by this announcement should be made to the Central Snake River District, Bureau of Reclamation, 214 Broadway, Boise, Idaho. Payments are preferred by check payable to Treasurer of the United States.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

W. R. NELSON,
Acting Regional Director.

[F. R. Doc. 49-5437; Filed, July 6, 1949; 8:46 a. m.]

[No. 4]

RAPID VALLEY PROJECT, SOUTH DAKOTA

ANNOUNCEMENT OF ANNUAL WATER RENTAL CHARGES

JUNE 22, 1949.

1. *Water rental.* Pursuant to article 13 of the contract of July 27, 1943, among the United States of America, Rapid City, South Dakota, and the Rapid Valley Conservancy District, water will be released for delivery to the District when available during the water year 1949, in accordance with requests by the Rapid Valley Conservancy District, made at least twenty-four (24) hours in advance of such time as delivery is needed by the District, acting through a person designated in writing for that purpose.

2. *Charges and terms of payment.* The rental charges shall be $1.00 per acre-foot for each acre-foot released to the District. These charges shall be payable by the District to the United States on May 1 of the year succeeding release for delivery.

Pursuant to article 17 of the contract, for each 1,000 acre-feet of water or fraction thereof released for delivery to the District from its share of the stored waters during water year 1949, the District shall pay to the municipality of Rapid City, South Dakota, the amount of $333.33 which is one-eighth (⅛) of fifty-three and one-third (53⅓) percent of the total operation and maintenance charge of $5,000 as noticed in letter of October 5, 1948, to the City of Rapid City.

3. *Delivery of water.* Water will be delivered and measured by Governmental personnel at the outlet works of Deerfield Dam.

4. *Penalties.* On all payments to the United States not made on or before the due dates, there shall be added on the following day a penalty of one-half of one percent of the amount unpaid and a like penalty of one-half of one percent of the amount unpaid on the first day of each calendar month thereafter so long as such default shall continue.

5. Applications for water release shall be received by the gate tender at Deerfield Dam and payments to the United States will be received at the Bureau of Reclamation, Missouri-Oahe District Office, Huron, South Dakota.

(Act of August 11, 1939, 53 Stat. 1418 as amended or supplemented)

K. F. VERNON,
Regional Director.

[F. R. Doc. 49-5438; Filed, July 6, 1949; 8:46 a. m.]

[No. 5]

RAPID VALLEY PROJECT, SOUTH DAKOTA

NOTICE OF APPROVED RATES AND TERMS FOR RENTAL OF SURPLUS WATER

JUNE 22, 1949.

1. Pursuant to article 18 of the contract of July 27, 1943, the following rates and terms are approved for temporary rental of surplus water to the district by the municipality for the calendar year 1949:

Notice of approved rates and terms for rental of surplus water under article 18, contract of July 27, 1943, among the United States, Rapid City and the Rapid City Valley Conservancy District.

a. Construction charge component—$1.30 per acre-foot.

b. Operation and maintenance charge component—$0.33 per acre-foot.

c. Payment for such surplus water delivered is to be made by the district to the municipality prior to December 31, 1949.

2. *Delivery of water.* Water will be delivered and measured by Governmental personnel at the outlet works of Deerfield Dam.

(Act of Aug. 11, 1939, 53 Stat. 1418, as amended or supplemented)

K. F. VERNON,
Regional Director.

[F. R. Doc. 49-5439; Filed, July 6, 1949; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

FLUE-CURED TOBACCO MARKETING QUOTA REFERENDUM

The Secretary of Agriculture has duly proclaimed, pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for flue-cured tobacco for the marketing year beginning July 1, 1950. A referendum of farmers who were engaged in the production of the 1949 crop of flue-cured tobacco will be held pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, and applicable regulations, to determine whether such farmers are in favor of or opposed to such quota and to determine whether such farmers are in favor of or opposed to flue-cured tobacco marketing quotas for the 3-year period beginning July 1, 1950.

REGISTRATION

The operator on each farm on which flue-cured tobacco was produced in 1949 should inform a county or community committeeman of the names and addresses of all persons sharing in the proceeds of such crop in order that their names may be listed on the register of eligible voters. The eligibility to vote of any person may be challenged if his name is not recorded on the registration list.

ELIGIBILITY TO VOTE

1. All persons engaged in the production of the 1949 crop of flue-cured tobacco are eligible to vote in the referendum. Any person who shares in the proceeds of the 1949 crop of flue-cured tobacco as owner (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or sharecropper, is considered as engaged in the production of such crop of tobacco in 1949.

2. If several members of the same family participate in the production of the 1949 crop of flue-cured tobacco on a farm, the only member or members of such family who shall be eligible to vote shall be the member or members of the family who have an independent bona fide status as operator, share tenant, or share cropper, and are entitled as such to share in the proceeds of the 1949 crop.

3. No person shall be eligible to vote in any community other than the community in which he resides except as follows:

(a) Any person who resides in a community in which there is no polling place shall be eligible to vote at the polling place designated for the community nearest to the community in which he was engaged in the production of flue-cured tobacco in 1949.

(b) Any person who does not reside in or who will not be present in the county in which he engaged in the production of flue-cured tobacco in 1949 may obtain a ballot at the most conveniently located county committee office and may case his ballot by signing his name thereto and mailing it so that the ballot reaches the county committee for the county in which he engaged in the production of tobacco in 1949 not later than the closing hour on the date of the referendum.

4. There shall be no voting by mail (except as provided in par. 3 above), by proxy, or by agent, but a duly authorized officer of a corporation, association, or other legal entity or a duly authorized member of a partnership, may cast its vote.

5. Persons who planted tobacco in the field in 1949 but did not harvest any tobacco on such acreage for any reason except neglect to farm the planted acreage shall be regarded as engaged in the production of tobacco in 1949 and therefore eligible to vote in the referendum. Any farmer who did not plant tobacco in the field shall not be eligible to vote.

6. No person (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum even though he may have been engaged in the production of tobacco on several farms in the same or in two or more communities, counties, or States in 1949.

7. In the event two or more persons were engaged in producing tobacco in 1949 not as members of a partnership but as tenants in common or joint tenants or as owners of community property, each such person shall be eligible to vote.

PLACE FOR BALLOTING

The place for voting in the referendum in the _____ community will be _____

TIME

The polls, in accordance with the official instructions for holding the referendum, shall be opened promptly at ____ o'clock a. m. and closed promptly at ____ o'clock p. m. on July 23, 1949, local time.

_____
_____
_____
(County Agricultural Conservation Committee)

Issued _____, 1949.

Done at Washington, D. C., this 1st day of July 1949. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 49-5483; Filed, July 6, 1949; 8:53 a. m.]

Rural Electrification Administration

[Administrative Order 2146]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

JUNE 3, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Dakota 19E Turner	$465,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-5495; Filed, July 6, 1949; 9:00 a. m.]

[Administrative Order 2147]

ILLINOIS

LOAN ANNOUNCEMENT

JUNE 3, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 48H Clay	$242,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-5496; Filed, July 6, 1949; 9:00 a. m.]

[Administrative Order 2148]

MISSOURI

LOAN ANNOUNCEMENT

JUNE 3, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 37P, R, S Bates	$1,250,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-5497; Filed, July 6, 1949; 9:00 a. m.]

[Administrative Order 2149]

COLORADO

LOAN ANNOUNCEMENT

JUNE 3, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Colorado 25N Pueblo	$540,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-5498; Filed, July 6, 1949; 9:00 a. m.]

[Administrative Order 2150]

OKLAHOMA

LOAN ANNOUNCEMENT

JUNE 7, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 15U Tillman	$640,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-5499; Filed, July 6, 1949; 9:01 a. m.]

[Administrative Order 2151]

MISSOURI

LOAN ANNOUNCEMENT

JUNE 7, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 30W, Y, Z Lawrence	$915,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-5500; Filed, July 6, 1949; 9:01 a. m.]

[Administrative Order 2152]

TEXAS

LOAN ANNOUNCEMENT

JUNE 7, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 65P Rusk	$160,000

[SEAL] CLAUDE R. WICKARD,
Administrator.

[F. R. Doc. 49-5501; Filed, July 6, 1949; 9:01 a. m.]

[Administrative Order 2153]

MISSISSIPPI

LOAN ANNOUNCEMENT

JUNE 7, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Mississippi 20N Yazoo	$405,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5502; Filed, July 6, 1949; 9:01 a. m.]

[Administrative Order 2154]

MISSOURI

LOAN ANNOUNCEMENT

JUNE 7, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 33N, P, V Butler	$1,325,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5503; Filed, July 6, 1949; 9:01 a. m.]

[Administrative Order 2155]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 8, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 68R Grady	$120,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5504; Filed, July 6, 1949; 9:01 a. m.]

[Administrative Order 2156]

ILLINOIS

LOAN ANNOUNCEMENT

JUNE 8, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 8K Coles	$511,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5505; Filed, July 6, 1949; 9:01 a. m.]

[Administrative Order 2157]

ILLINOIS

LOAN ANNOUNCEMENT

JUNE 8, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 18AG Pike	$116,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5506; Filed, July 6, 1949; 9:01 a. m.]

[Administrative Order 2158]

MICHIGAN

LOAN ANNOUNCEMENT

JUNE 8, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Michigan 41G Oceana	$315,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5507; Filed, July 6, 1949; 9:01 a. m.]

[Administrative Order 2159]

MICHIGAN

LOAN ANNOUNCEMENT

JUNE 8, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Michigan 40V Allegan	$442,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5508; Filed, July 6, 1949; 9:02 a. m.]

[Administrative Order 2160]

MICHIGAN

LOAN ANNOUNCEMENT

JUNE 8, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Michigan 26AB Ingham	$140,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5509; Filed, July 6, 1949; 9:02 a. m.]

[Administrative Order 2161]

MICHIGAN

LOAN ANNOUNCEMENT

JUNE 8, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Michigan 46A Newaygo	$5,532,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5510; Filed, July 6, 1949; 9:02 a. m.]

[Administrative Order 2162]

OKLAHOMA

LOAN ANNOUNCEMENT

JUNE 13, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Oklahoma 33K Latimer	$5,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5511; Filed, July 6, 1949; 9:04 a. m.]

[Administrative Order 2163]

WISCONSIN

LOAN ANNOUNCEMENT

JUNE 13, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 14T Oconto	$175,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5512; Filed, July 6, 1949; 9:04 a. m.]

[Administrative Order 2164]

OKLAHOMA

LOAN ANNOUNCEMENT

JUNE 13. 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oklahoma 23L, M, P, R Okmulgee	$1,675,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5513; Filed, July 6, 1949; 9:04 a. m.]

[Administrative Order 2165]

MISSOURI

LOAN ANNOUNCEMENT

JUNE 13, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 47P, S Cooper	$625,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5514; Filed, July 6, 1949; 9:04 a. m.]

[Administrative Order 2166]

OKLAHOMA

LOAN ANNOUNCEMENT

JUNE 13, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Oklahoma 30N Choctaw	$500,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5515; Filed, July 6, 1949; 8:53 a. m.]

[Administrative Order 2167]

MINNESOTA

LOAN ANNOUNCEMENT

JUNE 13, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 39T Chippewa	$330,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5516; Filed, July 6, 1949; 8:53 a. m.]

[Administrative Order 2168]

WEST VIRGINIA

LOAN ANNOUNCEMENT

JUNE 13, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Adminstration:

Loan designation:	Amount
West Virginia 10S Harrison	$195,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5517; Filed, July 6, 1949; 8:54 a. m.]

[Administrative Order 2169]

NEW MEXICO

LOAN ANNOUNCEMENT

JUNE 13, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
New Mexico 25D Luna	$15,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5518; Filed, July 6, 1949; 8:54 a. m.]

[Administrative Order 2170]

KENTUCKY

LOAN ANNOUNCEMENT

JUNE 13, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 52T Fleming	$860,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5519; Filed, July 6, 1949; 8:54 a. m.]

[Administrative Order 2171]

IOWA

LOAN ANNOUNCEMENT

JUNE 13, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Iowa 83C Cedar Rapids	$4,065,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5520; Filed, July 6, 1949; 8:54 a. m.]

[Administrative Order 2172]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

JUNE 13, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Dakota 38B Dewey	$115,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5521; Filed, July 6, 1949; 8:54 a. m.]

[Administrative Order 2173]

MISSISSIPPI

LOAN ANNOUNCEMENT

JUNE 13, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mississippi 50E Chickasaw	$960,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5522; Filed, July 6, 1949; 8:54 a. m.]

[Administrative Order 2174]

MISSOURI

LOAN ANNOUNCEMENT

JUNE 14, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 50S Lafayette	$220,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5523; Filed, July 6, 1949; 8:54 a. m.]

[Administrative Order 2175]

MINNESOTA

LOAN ANNOUNCEMENT

JUNE 14, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 66M Nobles	$340,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5524; Filed, July 6, 1949; 8:54 a. m.]

[Administrative Order 2176]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 14, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 27S Marlboro	$490,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5525; Filed, July 6, 1949; 8:55 a. m.]

[Administrative Order 2177]

MISSOURI

LOAN ANNOUNCEMENT

JUNE 14, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 53P, R Polk	$930,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5526; Filed, July 6, 1949; 8:55 a. m.]

[Administrative Order 2178]

OHIO

LOAN ANNOUNCEMENT

JUNE 14, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Ohio 30M Marion	$75,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5527; Filed, July 6, 1949; 8:55 a. m.]

[Administrative Order 2179]

MISSOURI

LOAN ANNOUNCEMENT

JUNE 15, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 32M Atchison	$570,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5528; Filed, July 6, 1949; 8:55 a. m.]

[Administrative Order 2180]

MISSOURI

LOAN ANNOUNCEMENT

JUNE 15, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 42S, T, V Caldwell	$695,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5529; Filed, July 6, 1949; 8:55 a. m.]

[Administrative Order 2181]

ILLINOIS

LOAN ANNOUNCEMENT

JUNE 17, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 32L McDonough	$315,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5530; Filed, July 6, 1949; 8:55 a. m.]

[Administrative Order 2182]

GEORGIA

LOAN ANNOUNCEMENT

JUNE 17, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 77M Forsyth	$25,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5531; Filed, July 6, 1949; 8:55 a. m.]

[Administrative Order 2183]

MONTANA

LOAN ANNOUNCEMENT

JUNE 17, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Montana 28C McCone	$230,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5532; Filed, July 6, 1949; 8:55 a. m.]

[Administrative Order 2184]

WASHINGTON

LOAN ANNOUNCEMENT

JUNE 17, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Washington 30M Stevens	$370,000

[SEAL] CLAUDE R. WICKARD, *Administrator.*

[F. R. Doc. 49-5533; Filed, July 6, 1949; 8:55 a. m.]

[Administrative Order 2185]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 20, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 34G Newberry	$200,000

[SEAL] WILLIAM J. NEAL, *Acting Administrator.*

[F. R. Doc. 49-5534; Filed, July 6, 1949; 8:55 a. m.]

[Administrative Order 2186]

MISSOURI

LOAN ANNOUNCEMENT

JUNE 20, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 58D, F, G Ste. Genevieve	$1,200,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-5535; Filed, July 6, 1949; 8:56 a. m.]

[Administrative Order 2187]

WYOMING

LOAN ANNOUNCEMENT

JUNE 20, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Wyoming 16F Hot Springs	$325,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-5536; Filed, July 6, 1949; 8:56 a. m.]

[Administrative Order 2188]

KENTUCKY

LOAN ANNOUNCEMENT

JUNE 20, 1949.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 35R Warren	$1,345,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 49-5537; Filed, July 6, 1949; 8:56 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9102, 9103]

CUSHING BROADCASTING CO. AND PAYNE COUNTY BROADCASTERS

ORDER CONTINUING HEARING

In re applications of Otto H. Lachenmeyer, d/b as Cushing Broadcasting Company, Cushing, Oklahoma, Docket No. 9102, File No. BP-6594; William Howard Payne, tr/as Payne County Broadcasters, Cushing, Oklahoma, Docket No. 9103, File No. BP-6819; for construction permits.

The Commission having scheduled a hearing upon the above-entitled applications for June 6, 1949, at Cushing, Oklahoma; and

It appearing, that the public interest, convenience and necessity would be served by a continuance of the said hearing;

It is ordered, This 20th day of May 1949, on the Commission's own motion, that the hearing upon the above-entitled applications is continued to 10:00 a. m., Tuesday, July 26, 1949, at Cushing, Oklahoma.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WILLIAM P. MASSING,
Acting Secretary.

[F. R. Doc. 49-5467; Filed, July 6, 1949; 8:51 a. m.]

[Docket No. 8579]

FLORAL CITY BROADCASTING CO.

ORDER CONTINUING HEARING

In the matter of Edward T. Dillon, Francis X. McNerney, and James T. Bolan, a Partnership d/b as Floral City Broadcasting Company, Monroe, Michigan, Docket No. 8579, File No. BP-6167; for construction permit.

The Commission having under consideration a petition filed on June 17, 1949, by Floral City Broadcasting Company, Monroe, Michigan, requesting that the hearing in the above-entitled proceeding now scheduled for June 21, 1949, be continued indefinitely, and Commission Counsel having consented to a waiver of the four day requirement of § 1.745 of the rules and regulations and to a grant of the petition, and good cause having been shown therefor;

It is ordered, This 21st day of June 1949, that the petition of Floral City Broadcasting Company be granted and that the hearing herein be continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JACK P. BLUME,
Hearing Examiner.

[F. R. Doc. 49-5468; Filed, July 6, 1949; 8:51 a. m.]

[Docket Nos. 8909, 9272]

CHANUTE BROADCASTING CO. AND CENTRAL BROADCASTING, INC. (KIND)

ORDER CONTINUING HEARING

In re applications of Galen O. Gilbert, H. Edward Walker, Phil Crenshaw, George A. Rountree and James T. Jackson, a partnership d/b as Chanute Broadcasting Company, Chanute, Kansas, Docket No. 8909, File No. BP-5684; and Central Broadcasting, Inc. (KIND), Independence, Kansas, Docket No. 9272, File No. BP-7068; for construction permits.

The Commission having before it a petition to continue the hearing in the above-entitled proceedings filed by its Acting General Counsel, and it appearing that on June 21, 1949, Central Broadcasting, Inc. (KIND), applicant in Docket No. 9272, filed a petition to dismiss its above-entitled application without prejudice, thereby eliminating the need for the comparative hearing and the deletion or revision of certain issues to be tried at the hearing, and Chanute Broadcasting Company, applicant in Docket No. 8909, having consented to such continuance;

It is ordered, This the 24th day of June, 1949, that the hearing in the above-entitled proceedings now scheduled to begin June 27, 1949 at Washington, D. C. be continued to August 8, 1949.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BASIL P. COOPER,
Hearing Examiner.

[F. R. Doc. 49-5469; Filed, July 6, 1949; 8:51 a. m.]

[Docket No. 9189]

HUSH-A-PHONE CORP. ET AL.

ORDER CONTINUING HEARING

Hush-A-Phone Corporation and Harry C. Tuttle, complainants v. American Telephone and Telegraph Company, et al., defendants, Docket No. 9189.

The Commission, having under consideration a motion filed on May 27, 1949, on behalf of the complainants in the above-entitled proceeding, for a 30-day continuance of the hearing herein, now set for June 22, 1949; for leave to drop the Associated Telephone Company, Ltd., of Santa Monica, California, as a defendant herein; for an order requiring the remaining defendants to answer paragraph 22 of the complaint; and for an order requiring the remaining defendants to answer certain interrogatories attached to such motion; and having also under consideration a telegram filed on June 1, 1949, on behalf of the defendants, Bell System companies, requesting "adequate opportunity for reply and hearing of motion"; and also having under consideration letters filed on June 3 and 6, 1949, on behalf of the complainants and the Bell System companies, respectively, agreeing to a continuance of the hearing to August 23, 1949, and to an extension to June 16, 1949, of the period within which the Bell System companies may reply to the remainder of the complainants' motion;

It appearing, that no opposition has been filed to the motion of the complainants insofar as it is requested therein that the hearing be continued;

It is ordered, This 9th day of June 1949, that the hearing in this proceeding is continued until August 23, 1949, at the same time and place heretofore specified;

It is further ordered, That the time within which the Bell System companies may answer the aforementioned motion of the complainants is extended to June 16, 1949;

It is further ordered, That copies of this order shall be served upon each of the defendants and upon all telephone carriers subject to the Communications Act of 1934, as amended; the agency of each state having regulatory jurisdiction with respect to telephone service; the National Association of Railroad and Utilities Commissioners; and the United States Independent Telephone Association.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] J. FRED JOHNSEN, Jr.,
Hearing Examiner.

[F. R. Doc. 49-5470; Filed, July 6, 1949; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-1200, G-1222]

INDIANA GAS & WATER CO., INC., ET AL.

ORDER POSTPONING HEARING

JUNE 30, 1949.

In the matters of Indiana Gas & Water Company, Inc., Eastern Indiana Gas Company, Summit Gas and Water Company, Inc., Docket No. G-1200; Indiana Gas & Water Company, Inc., Docket No. G-1222.

On June 15, 1949, the Commission issued an order in the above-docketed proceedings directing that a public hearing be held on July 6, 1949, with respect to the matters involved and the issues presented by the joint "Petition for Declaratory Order to Settle Controversy and Remove Uncertainty" filed by Indiana Gas & Water Company, Inc., Eastern Indiana Gas Company and Summit Gas and Water Company, Inc. (Petitioners), Docket No. G-1200 and with respect to the matters involved and the issues presented in the proceeding in Docket No. G-1222 concerning the jurisdictional status of Indiana Gas & Water Company, Inc.

On June 24, 1949, the Petitioners filed a "Notice of Withdrawal of Petition" filed in Docket No. G-1200. In accordance with § 1.11 of the Commission's rules of practice and procedure the notice shall, 30 days after the filing thereof, be deemed to have effected the withdrawal of the petition.

On June 24, 1949, Indiana Gas & Water Company, Inc., filed in Docket No. G-1222 a "Motion for Extension of Time and for Postponement of Hearing" in which it requests (1) that the Commission extend the time within which Indiana Gas may file its response to the Commission's order to show cause for a period to and including thirty days after final decision by the United States Supreme Court in the case of *Federal Power Commission* v. *The East Ohio Gas Company*, in which said Court granted certiorari on June 20, 1949 (No. 789, October Term 1948), to review the decision of the United States Court of Appeals for the District of Columbia Circuit (173 F. 2d 429), and (2) that the hearing now scheduled for July 6, 1949, be postponed without date, pending such decision by the Supreme Court.

Good cause exists for granting the extension of time and for postponing the date of hearing as requested in the Motion filed by Indiana Gas & Water Company, Inc., on June 24, 1949, in Docket No. G-1222.

The Commission orders: The time within which Indiana Gas & Water Company, Inc., shall file its response to the Commission's order issued June 15, 1949, be extended as requested in the motion filed June 24, 1949, and the hearing now set to commence on July 6, 1949, be postponed to a date to be fixed by further order of the Commission.

Date of issuance: July 1, 1949.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-5444; Filed, July 6, 1949; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2148]

REPUBLIC SERVICE CORP. AND ABINGTON ELECTRIC CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 29th day of June A. D. 1949.

Republic Service Corporation ("Republic"), a registered holding company, and Abington Electric Company ("Abington"), an electric utility subsidiary company of Republic, have filed a joint application-declaration and amendments thereto pursuant to sections 6, 9, and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-43 promulgated thereunder.

Abington proposes to issue and sell, at par, $550,000 principal amount of 3½% First Mortgage Bonds, due 1969, and $100,000 principal amount of Serial Notes, maturing in equal amounts annually from 1950 through 1957, and bearing an annual interest rate of 3¾%, to John Hancock Mutual Life Insurance Company. In addition, Abington proposes to issue and sell to Republic and Republic proposes to acquire 10,000 additional shares of Abington's no par value common stock for $100,000.

Republic proposes to renew its present outstanding note in the amount of $150,000 due July 1, 1949, for a nine month's period or to April 1, 1950.

Abington states that the proceeds from the sale of its bonds, serial notes, and common stock together with a credit from Republic in the amount of $24,874.29, which represents an amount owing Abington, will be used to eliminate Abington's entire present indebtedness to Republic in the aggregate amount of $765,000.

Republic, in turn, states that the net proceeds of $640,125.71 which it will receive from Abington will be used as follows: $500,000 for the pro rata prepayment on its outstanding notes due October 1, 1953; $80,125.71 for advances on open account without interest to two subsidiary companies of Republic (other than Abington) for construction purposes; and $60,000 for the payment of fees and expenses in connection with the recent reorganization of Republic pursuant to section 11 of the act.

The applicant-declarant states that the total estimated fees and expenses will amount to $8,500, including legal fees of company counsel in the amount of $2,500 and counsel to the John Hancock Mutual Life Insurance Company in the amount of $3,000.

Notice of the filing of the transactions proposed herein was given in the manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and not having ordered a hearing with respect to said application-declaration, as amended; and

Republic and Abington having requested that the Commission's order with respect to said joint application-declaration, as amended, issue at the earliest date possible and become effective upon issuance; and

Abington having submitted for approval to the Pennsylvania Public Utility Commission the proposed issuance and sale of First Mortgage Bonds, Serial Notes, and additional common stock and said Commission having isued its order approving such proposed transactions by Abington; and

The Commission finding with respect to said joint application-declaration, as amended, that the requirements of the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder are satisfied and that no adverse findings are necessary thereunder, and that the estimated fees and expenses in connection with the proposed transactions are not unreasonable, and deeming it appropriate in the public interest that said joint application-declaration, as amended, be granted and permitted to become effective forthwith;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said joint application-declaration, as amended, with respect to the transactions proposed therein be, and the same hereby is, granted and permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-5440; Filed, July 6, 1949; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13458]

EXPORTKREDITBANK, A. G.

Re: Stock and bank account owned by Exportkreditbank, A. G. F-28-180-A-6.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Exportkreditbank, A. G. the last known address of which is Berlin, Germany is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. One hundred (100) shares of no par value common capital stock of United Fruit Company, 1 Federal Street, Boston, Massachusetts, a corporation organized under the laws of the State of New Jersey evidenced by Certificate Numbered 54881, registered in the name of Hurley & Co. and presently in the custody of the National City Bank of New York, 55 Wall Street, New York 15, New York, together with all declared and unpaid dividends thereon, and

b. That certain debt or other obligation owing to Exportkreditbank, A. G., by National City Bank of New York, 55 Wall Street, New York 15, New York arising out of a Clean Credit Deposit Account, account number 296EE, entitled Clean Credit Deposit Account No. 296EE, Exportkreditbank, A. G., Berlin, Germany, Sub Account, Customers Account for Custody, General Ruling No. 6 Account, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 21, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5423; Filed, July 5, 1949; 8:53 a. m.]

[Vesting Order 13421]

CHIKA NAGAO

In re: Bonds owned by Chika Nagao.

F-39-3507-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Chika Nagao, whose last known address is c/o Setsuyo Takano, Aza Oobara, Tomo-mura, Asa-gun, Hiroshima-ken, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Three (3) Daido Denryoku Kabushiki Kaisha (Great Consolidated Electric Power Co., Ltd.), First and General Mortgage Sinking Fund Gold Bearer Bonds due July 1950, of $1,000 face value each, bearing the numbers M5019, M7131 and M9531, presently in the custody of National Mortgage & Finance Company, Limited, 1030 Smith Street, Honolulu, T. H., together with any and all rights thereunder and thereto,

b. Two (2) Daido Denryoku Kabushiki Kaisha (Great Consolidated Electric Power Co., Ltd.), First and General Mortgage Sinking Fund Gold Bearer Bonds, due July 1950, of $500 face value each, bearing the numbers D18 and D269, presently in the custody of National Mortgage & Finance Company, Limited, 1030 Smith Street, Honolulu, T. H., together with any and all rights thereunder and thereto,

c. One (1) Daido Denryoku Kabushiki Kaisha (Great Consolidated Electric Power Co., Ltd.), First Mortgage, Sinking Fund, Series A, Gold Bearer Bond of $1,000 face value, due August 1944, bearing the number M6617, presently in the custody of National Mortgage & Finance Company, Limited, 1030 Smith Street, Honolulu, T. H., together with any and all rights thereunder and thereto, and

d. Ten (10) Imperial Japanese Government External Loan 30 Year Sinking Fund, Gold Bearer Bonds due February 1954, of $1,000 face value each, bearing the numbers M12013, M54092, M54093, M54094, M54095, M71120, M90364, M98050, M103071 and M123561, presently in the custody of National Mortgage & Finance Company, Limited, 1030 Smith Street, Honolulu, T. H., together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 14, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5458; Filed, July 6, 1949; 8:50 a. m.]

[Vesting Order 13427]

ANITA C. BAKER

In re: Trust under will of Anita C. Baker, deceased. File No. D-28-10315; E. T. sec. No. 14705.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gladys Candler Baker (Friedheim), whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the issue, names unknown, of Gladys Candler Baker (Friedheim), who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Anita C. Baker, deceased, presently being administered by Rhode Island Hospital Trust Company, 15 Westminster Street, Providence, Rhode Island, trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the issue, names unknown, of Gladys Candler Baker (Friedheim), are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 21, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5459; Filed, July 6, 1949; 8:50 a. m.]

[Vesting Order 13455]

WILHELM BARTLING

In re: Bank account owned by the personal representatives, heirs, next of kin, legatees and distributees of Wilhelm Bartling, deceased. F-28-29721-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Wilhelm Bartling, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Peoples First National Bank & Trust Company, Box 506, Pittsburgh 30, Pennsylvania, arising out of a savings account, entitled Wilhelm Bartling, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of Wilhelm Bartling, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Wilhelm Bartling, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 21, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5460; Filed, July 6, 1949; 8:50 a. m.]

[Vesting Order 13456]

ADOLF BAUER AND ELLA BAUER

In re: Bank accounts owned by Adolf Bauer and Ella Bauer. D-28-3963-E-2/3.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Adolf Bauer and Ella Bauer, the last known address of each of whom is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Melrose Savings and Loan Association, 43 Washington Avenue, Irvington 11, New Jersey, arising out of an installment-share savings account, entitled Adolf Bauer, maintained with the aforesaid association, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Adolf Bauer, the aforesaid national of a designated enemy country (Germany);

3. That the property described as follows: That certain debt or other obligation of Dry Dock Savings Institution, 742 Lexington Avenue, New York 22, New York, arising out of a savings account number 358232, entitled "Max L. Mayer in trust for Adolf and Ella Bauer", maintained with the aforesaid Institution, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Adolf Bauer and Ella Bauer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 21, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5461; Filed, July 6, 1949; 8:50 a. m.]

[Vesting Order 13459]

GERMANY

In re: Cash owned by Germany.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the property described as follows: Cash in the amount of $15,223.50, presently held in custody by the Federal Reserve Bank of New York for the Office of Alien Property of the Department of Justice,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 21, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5462; Filed, July 6, 1949; 8:50 a. m.]

[Vesting Order 13460]

WILLIAM HARMS

In re: Bank accounts owned by William Harms also known as Wilhelm Harms. D-66-1854-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Harms also known as Wilhelm Harms, whose last known address is 24A Ottendorf Nied, Elbe, Luxhavener Str. 14, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. That certain debt or other obligation of Bay Ridge Savings Bank, Fifth Avenue and Fifty-fourth Street, Brooklyn 20, New York, arising out of a savings account, account number 146331, entitled Gustave Meincke, Substitute Trustee under the Will of William Harms, deceased, for benefit of Fredericka Harms, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation of Bay Ridge Savings Bank, Fifth Avenue and Fifty-fourth Street, Brooklyn 20, New York, arising out of a savings account, account number 188078, entitled Gustave Meincke in trust for Fredericka Harms, maintained at the aforesaid bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by William Harms also known as Wilhelm Harms, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 21, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5463; Filed, July 6, 1949; 8:50 a. m.]

[Vesting Order 13461]

K. KITAMURA SHOTEN

In re: Debt owing to K. Kitamura Shoten. F-39-1860-C-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That K. Kitamura Shoten, the last known address of which is 62 Rocuchome, Kumochi-Cho, Kobe, Japan, is a corporation, partnership, association or other business organization, organized under the laws of Japan, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Japan, and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to K. Kitamura Shoten by Imperial Pearl Syndicate, Inc., 5 North Wabash Avenue, Chicago 2, Illinois, in the amount of $4,982.55, as of December 31, 1945, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 21, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5464; Filed, July 6, 1949; 8:50 a. m.]

[Vesting Order 13468]

T. TAWADA

In re: Bank account owned by T. Tawada also known as Tatsuo Tawada. F-39-3631-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That T. Tawada also known as Tatsuo Tawada, whose last known address is 27 4-chome Chikara-machi, Higashi-Ku, Nagoya, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation owing to T. Tawada also known as Tatsuo Tawada, by The Anglo California National Bank, One Sansome Street, San Francisco, California, arising out of a savings account, account number 27773, entitled T. Tawada, maintained at the said bank, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 21, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-5465; Filed, July 6, 1949; 8:51 a. m.]